



# MATTERS OF PROCEDURAL INTEREST

## No. 20 — January to June 2021

Prepared by Chamber and Procedural Services Office

### QUEENSLAND LEGISLATIVE ASSEMBLY PROCEDURAL BULLETIN

## WORK OF THE HOUSE

Further information about the work of the Legislative Assembly is available on the parliament's internet website.

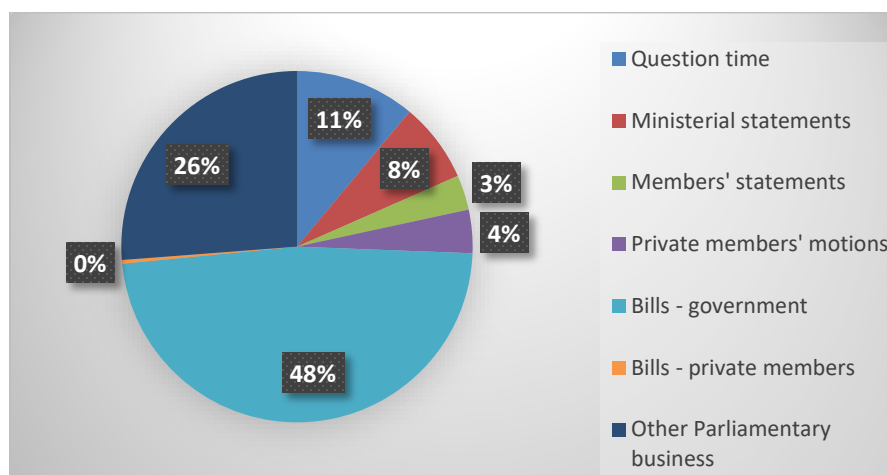
Click here to view: [Work of the House statistics](#)

### Overview comparison

	1 Jan to 30 Jun 2021			1 Jul to 31 Dec 2020		
<b>Sittings</b>						
Sitting days	22			16		
Average duration per sitting day [hrs:mins]	9:43			8:55		
<b>Legislation</b>						
	<b>1 Jan to 30 Jun 2021</b>			<b>1 Jul to 31 Dec 2020</b>		
	<b>Govt</b>	<b>PMB</b>	<b>Total</b>	<b>Govt</b>	<b>PMB</b>	<b>Total</b>
Bills introduced	11	2	13	23	1	24
Bills passed	13	0	13	9	0	9
Bills referred to committees	11	2	13	12	0	12
Bills reported on by committees	14	0	14	12	0	12

### Business conducted

The following chart shows a breakdown of the business conducted during the period 1 January to 30 June 2021.





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### MEMBERS

#### Warnings and suspension of members

On 26 occasions between January and June, the Speaker followed up warnings to members with an order to withdraw from the Chamber.

Record of Proceedings: 23 February 2021, p47  
24 February, p127  
9 March, p315, p317 and p323  
10 March, p501  
20 April, p916, p922 and p923  
21 April, p1021  
11 May, p1205  
12 May, p1305, p1305, p1309, p1309 and p1380  
13 May, p1399 and p1405  
26 May, p1660  
27 May, p1705, p1708 and p1735  
16 June, p1897 and p1900  
17 June, 1928 and p1954  
**Standing Order 253A**

#### Conduct on the parliamentary precinct

On 25 March 2021 the Speaker made a statement to the House with respect to his role in ensuring behaviour on the parliamentary precinct is appropriate at all times. He emphasised to members, parliamentary staff, members of the press gallery and visitors that, whilst vigorous debate occurs within the chamber, outside the chamber in common areas he expects common courtesy to be shown to each other. Members should not be heckled, challenged or ridiculed by staff, the media or visitors as they move throughout the precinct. Similarly, members are expected to treat all staff appropriately. The Speaker advised that the media are to act within the guidelines for media tabled in this House.

### PRIVILEGE

The Ethics Committee investigates and reports on the ethical conduct of members, and on matters of privilege and possible contempts of parliament referred to it by the Speaker, the House or the Registrar of Members' Interests.

Between January and June 2021 the Ethics Committee reported on two matters of privilege:

- a failure to register an interest on the Register of Members' Interests (Report No. 205); and
- disorderly conduct of a visitor signed into the parliamentary precinct by a member (Report No. 206).

In its Report No. 206, the Ethics Committee made a finding of contempt concerning the disorderly conduct of a visitor signed into the parliamentary precinct by a member. The Ethics Committee recommended that the House take no further action and that the Speaker ban the individual from the Parliamentary Precinct under s.50 of the *Parliamentary Service Act 1988*. The House noted the finding of contempt. The Speaker made a direction that the individual not be permitted to enter the parliamentary precinct effective from 16 July 2021 to apply indefinitely until revoked.



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### LEGISLATION

#### Bills declared urgent

A Bill may be declared urgent and pass through all stages in a very short timeframe, e.g. a Bill may:

- not be referred to a portfolio committee for examination, or
- be referred to a portfolio committee to report to the House in a period less than six weeks.

Between January and June 2021, the House declared 2 bills as urgent; 13 were referred to a portfolio committee and 0 were not referred.

#### **Urgent bills referred to a portfolio committee**

##### *COVID-19 Emergency Response and Other Legislation Amendment Bill*

On 11 March 2021 the COVID-19 Emergency Response and Other Legislation Amendment Bill was introduced and referred to a committee for examination with a report date of 14 April 2021.

Record of Proceedings: 11 March 2021, p 530  
**Standing Order 137**

##### *Debt Reduction and Savings Bill*

On 27 May 2021 the House agreed to a motion to declare the Debt Reduction and Savings Bill urgent to allow it to pass through all remaining stages that day.

Record of Proceedings: 27 May 2021, p 1759  
**Standing Order 137**

#### Same question rule

Standing Order 87(1) states that, unless the Standing Orders otherwise provide, a question or amendment shall not be proposed which is the same as any question which, during the same session, has been resolved in the affirmative or negative.

Standing Order 150 also provides that no amendment, new clause or schedule to a bill shall be moved which is substantially the same as one already negatived by the House unless there has been an order of the House to reconsider the Bill.

##### *COVID-19 Emergency Response and Other Legislation Amendment Bill 2021*

On 2 December 2020 the House passed the COVID-19 Emergency Response and Other Legislation Amendment Bill 2020 without amendment. The bill received assent on 4 December 2020. The amendment bill amended the COVID-19 Emergency Response Act 2020 by inserting s.4A into the principal act. Section 4A provided the meaning of 'COVID-19 legislation expiry day' as being the earlier of 30 April 2021 or another day prescribed by regulation.

The COVID-19 Emergency Response and Other Legislation Amendment Bill 2021 was introduced on 11 March 2021. The bill sought to amend s.4A by providing that the meaning of COVID-19 legislation expiry day is the earlier of 30 September 2021 or another day prescribed by regulation. In substance, the bill sought to extend the operation of COVID-19 legislation by six months.



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In a ruling on 20 April 2021 the Speaker noted that at the first instance this appeared to be an example of a particular clause of a government bill seeking to repeal or amend a clause of a government bill passed earlier in the session. However, in this case the amending act essentially set a sunset provision of 30 April 2021 which affected by definition a range of legislative provisions. The bill before the House seeks to extend that sunset provision to 30 September 2021.

The Speaker noted that in public policy a sunset provision is a relatively unusual measure within a statute, regulation or other law which provides that the law shall cease to have effect after a specific date. Unless further legislative action is taken to extend the law, it will cease on that date. A sunset provision essentially means that legislation must be introduced anew to extend the date of application of the law and ensures public and parliamentary debate on the need for the powers will be regularly held.

The Speaker ruled that the same question rule was not enlivened by an amendment to a sunset provision or a new sunset provision where the question was whether to extend the sunset provision because the question posed was essentially a different expiry date to that originally fixed. It is substantially a new or different question.

The Speaker advised that the position might be different if the original sunset clause had been subject to amendment to either lengthen its term to the new date (and such amendment was defeated at the time) or shorten the time from the proposed new date (and such amendment was accepted at the time).

Record of Proceedings: 20 April 2021, p898  
**Standing Order 87**

### Debt Reduction and Savings Bill

Clause 1 and clause 143 of the Debt Reduction and Savings Bill proposed alternative short titles, both of which were to commence on assent. The same question rule was therefore enlivened with respect to clause 143. The House agreed to suspend SO 87 to allow the bill to pass all stages in its current form.

Record of Proceedings: 27 May 2021, p1707  
**Standing Order 87**

## QUESTIONS WITHOUT NOTICE

### Asking for a legal opinion

Under Standing Order 115, questions without notice shall not ask for a legal opinion. On 23 February 2021 a member asked the Minister for Children and Youth Justice why young criminals who had stolen a car from a Gold Coast resident were let off with a slap on the wrist despite it being their 20th criminal offence. A point of order was taken by the Leader of the House asserting that the question asked for a legal opinion from the minister as to how the court ruled on a particular matter. The Speaker ruled the question out of order.

Record of Proceedings: 23 February 2021, p24  
**Standing Order 115**

### Imputations of improper motives in question

Under Standing Order 115, questions without notice shall not contain imputations.



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On 23 February 2021 a member asked the Premier to explain how six years of rampant youth crime was keeping Queenslanders safe and strong, noting that Labor abolished breach of bail in 2015. The Speaker ruled that there was no imputation against an individual member and allowed the Premier some leniency in answering the question.

Record of Proceedings: 23 February 2021, p19  
**Standing Order 115**

On 9 March 2021 a member asked the Premier if a statement made by her that matters relating to her private emails five years ago did not matter meant that the death of a child which occurred five years earlier did not matter. The Speaker ruled the question out of order.

Record of Proceedings: 9 March 2021, p318  
**Standing Order 115**

On 21 April 2021 a member asked if the Minister for Health had found out how many internal disasters were declared by Queensland hospitals in the past month, noting that it had been 24 hours since the Minister had not known how many code yellows had shut down hospitals. The Speaker ruled that the question was in order as it referred to a broader policy issue and no imputation was directed at an individual.

Record of Proceedings: 21 April 2021, p1018  
**Standing Order 115**

On 21 April 2021 a member asked the Minister for Transport if he had breached the ministerial code by involving himself in the appointment process of a government owned corporation CEO, why the minister made a strong recommendation about an appointment process that was a matter for the board and asked whether it was because the CEO candidate refused to sack a worker who embarrassed a political candidate during the 2019 election campaign. The Speaker ruled that the question did not contain an imputation of improper motives and was in order and allowed the minister leniency in the way he addressed the response.

Record of Proceedings: 21 April 2021, p1020  
**Standing Order 115**

### Asking for an expression of opinion

Under Standing Order 115, questions without notice shall not ask for an expression of opinion.

On 24 February 2021 a member asked the Premier whether she agreed that the appointment of a director-general was a party political matter and not government business. The Speaker ruled the question out of order on the basis that it sought an opinion from the Premier in relation to the work of an officer.

Record of Proceedings: 24 February 2021, p128  
**Standing Order 115**

On 12 May 2021 a member asked the Minister for Health if Labor was losing control of the health system, stating that a whistleblower had told the opposition of a paramedic having been despatched on foot to a case in bayside Brisbane because a vehicle was not available at the time. . The Speaker ruled that the question, whilst not seeking a direct opinion, had relevance to the portfolio responsibilities of the health minister and asked the minister to respond to the question.



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Record of Proceedings: 12 May 2021, p1302  
**Standing Order 115**

#### Lengthy and subjective preamble

Under Standing Order 115, questions without notice shall not contain lengthy or subjective preambles.

On 11 May 2021 a member asked the Minister for Health how many surgeries had been cancelled at the Princess Alexandra Hospital due to a shortage of beds and if a chronic lack of beds was the new benchmark for Queensland Health. The member then apologised to the minister for asking another boring question, noting there was nothing boring about Queenslanders on waiting lists. The Speaker ruled the question out of order on the basis that the last part of the question was an editorial or statement.

Record of Proceedings: 11 May 2021, p1205  
**Standing Order 115**

On 17 June 2021 a member noted the Minister for Health stated every health and hospital service had record funding and then compared current funding with next year's budget. The member then asked how the minister could run the health system when she cannot run her own budget. The Speaker ruled the question out of order as the preamble was too lengthy.

Record of Proceedings: 17 June 2021, p1930  
**Standing Order 115**

#### Naming of persons in question

Standing Order 115 provides that questions shall not contain the names of persons unless they are strictly necessary to render the question intelligible and can be authenticated.

On 13 May 2021 the opposition leader stated that the government refused to listen to whistleblowers about the effects of Labor losing control of Queensland Health, with one minister saying the stories were made up and another saying they were not correct. The opposition leader asked if the Premier would concede these stories were not made up and demand her ministers apologise to two people who were in the gallery for suggesting they were making up stories. A point of order was taken by a government minister who asserted that the question contained the names of persons contrary to the standing orders. The Manager of Opposition Business rose on the point of order asserting that the names of the two people mentioned could be authenticated. The Speaker ruled the question was in order as it specifically related to the context of a previous question asked.

Record of Proceedings: 13 May 2021, p1397  
**Standing Order 115**

On 25 May 2021 a member asked the Minister for Health about the treatment a man received at a Queensland hospital during a suspected heart attack which was witnessed by his son Anthony. The member tabled a copy of the media report. The Speaker accepted that the use of a name gave context to the question and also accepted that media reports have been used to authenticate matters in the House.

Record of Proceedings: 25 May 2021, pp1493-1494  
**Standing Order 115**



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#### Not related to ministerial portfolio

Standing Order 113 provides that questions without notice cannot be put to a minister if it is not relevant to their ministerial portfolio. On 25 May 2021 a member asked the Minister for Education a question about a 12-year-old who was waiting for knee surgery six months longer than clinically recommended. The member noted the minister last week stated the opposition was making up stories about Queensland Health patients and asked the minister to apologise to the child and her mother for dismissing their concerns about long-term delays for surgery. The Speaker ruled the question out of order as it was not relevant to her ministerial portfolio.

Record of Proceedings: 25 May 2021, p1496  
**Standing Order 113**

## QUESTIONS ON NOTICE

#### Administrative error

On 20 April 2021 the Speaker advised that a question on notice asked on 24 February 2021 of the Minister for Health was incorrectly referred to the Deputy Premier. The Speaker noted that it was an administrative error which in no way was contributed to by the member. The Speaker ruled that the question on notice was unanswered and that it was to be referred to the Minister for Health for a response within 30 days.

Record of Proceedings: 20 April 2021, p898  
**Standing Order 114**

## DOCUMENTS CONTAINING UNPARLIAMENTARY LANGUAGE

Once a document has been tabled it cannot be altered or otherwise interfered with unless the House otherwise orders, as the document is in the possession of the House.

On 24 February 2021 a member tabled a document which contained unparliamentary language and the names of individuals. Subsequently, on 25 February 2021, the member requested that those individuals named in the document be redacted. The House granted leave to replace the tabled paper with a redacted version which removed the individuals' names, other identifiers such as positions held and unparliamentary language.

Record of Proceedings: 25 February 2021, p288  
**Standing Order 26**

On 9 March 2021 the Deputy Premier tabled a document which contained offensive language directed at another member of the House. The document was withheld by the Clerks at the Table. The House granted leave to replace the tabled paper with a redacted version which removed the offensive material.

Record of Proceedings: 10 March 2021, p403  
**Standing Order 26**

On 11 May 2021 the member for Surfers Paradise tabled a bundle of documents which the Deputy Speaker directed be withheld by the Clerks at the Table for a



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detailed review of their compliance with standing orders. The following sitting day the Speaker ruled the tabled documents out of order as they contained criminal charges contrary to the standing orders on sub judice, unparliamentary language and ineffective redactions. The Speaker stated that the member may table the documents excluding the sub judice material with appropriate redactions applied to the remainder of the documents.

Record of Proceedings: 12 May 2021, p1289  
**Standing Order 26**

## PETITIONS

On 23 March 2021 the Speaker advised that due to an administrative error an e-petition was incorrectly assigned to a member as sponsor rather than the Clerk. The Record of Proceedings and parliamentary website were and the House granted leave to replace the tabled e-petition with the Clerk as the sponsor.

Record of Proceedings: 23 March 2021, p602  
**Standing Order 123**