



# MATTERS OF PROCEDURAL INTEREST

## No. 22 — January to June 2022

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.

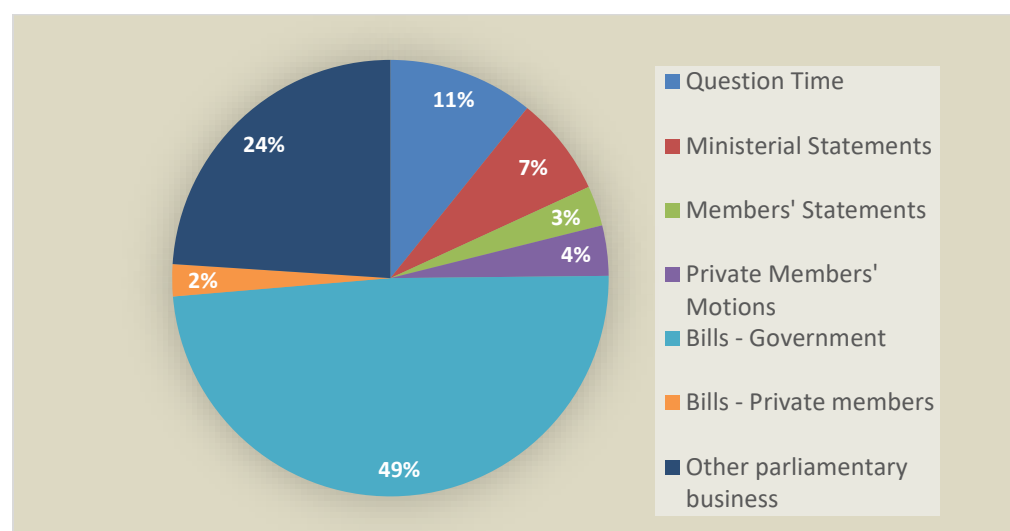
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### Overview comparison

|   | 1 Jan to 30 Jun 2022 |     |       | 1 Jul to 31 Dec 2021 |     |       |
|---|----------------------|-----|-------|----------------------|-----|-------|
| <b>Sittings</b>                             |                      |     |       |                      |     |       |
| Sitting days                                | 19                   |     |       | 18                   |     |       |
| Average duration per sitting day [hrs:mins] | 9:44                 |     |       | 9:55                 |     |       |
| <b>Legislation</b>                          | 1 Jan to 30 Dec 2022 |     |       | 1 Jul to 31 Dec 2021 |     |       |
|   | Govt                 | PMB | Total | Govt                 | PMB | Total |
| Bills introduced                            | 17                   | 0   | 17    | 15                   | 4   | 19    |
| Bills passed                                | 14                   | 0   | 14    | 12                   | 0   | 12    |
| Bills referred to committees                | 16                   | 0   | 16    | 15                   | 4   | 19    |
| Bills reported on by committees             | 12                   | 2   | 14    | 16                   | 2   | 18    |

### Business conducted

The following chart shows a breakdown of the business conducted during the period 1 January to 30 June 2022.





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## BUDGET AND ESTIMATES

On 21 June 2022 the Treasurer and Minister for Trade and Investment delivered the Budget. On 22 June 2022 the Leader of the House moved, and the House agreed to, a motion which set the days and times for each Estimates committee hearing. Portfolio committees must table their report to the House on the 2022 Budget Estimates by 12 August 2022.

Record of Proceedings: 22 June 2022, pp1572-1575

## MEMBERS

### Warnings and suspension of members

On 14 occasions between January and June, the Speaker followed up warnings to members with an order to withdraw from the Chamber.

Record of Proceedings: 22 February 2022, p56  
24 February 2022, p285  
15 March 2022, p396  
17 March 2022, p543  
29 March 2022, p612, p624 and p 691  
30 March 2022, p759 and 762  
31 March 2022, p829  
12 May 2022, p1166  
22 June 2022, p1567  
23 June 2022, p1711 and p1805  
**Standing Order 253A**

### Debate of committee report anticipatory of bill

On 26 May 2022 the Speaker made a statement with respect to two items of business listed on the Notice Paper: a motion to take note of a committee report on the operation of the Trading (Allowable Hours) Act 1990 tabled on 31 January 2022 and the Trading (Allowable Hours) and Other Legislation Amendment Bill introduced on 25 May 2022. The Speaker noted that a bill is a superior form of proceeding to a motion and therefore any issue of anticipation favours a bill. As any debate on the committee report would likely be anticipatory of the bill, contrary to Standing Order 231, the Speaker ruled that debate of the report would need to be either discharged from the Notice Paper or postponed until after the bill has been dealt with.

Record of Proceedings: 26 May 2022, p1406  
**Standing Order 231**

## MOTIONS

### Alteration to notice of motion

On 10 May 2022 the Speaker made a statement to the House regarding an alteration to a ministerial notice of motion. The Speaker advised that under Standing Order 67 the Environment Minister provided the Clerk with an alteration of a notice of motion given on 30 March relating to the revocation and dedication of certain areas. The Speaker noted that the amended notice of motion did not exceed the scope of the original notice of motion and simply inserted a heading which provided clarification relating to the areas to be dedicated as national park. The Speaker stated that the alteration of the notice of motion did not impact the timing of legislative requirements under the *Nature Conservation Act 1992*



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relating to the revocations in the notice and therefore did not reset the notice period under that act.

Record of Proceedings: 10 May 2022, p 908  
**Standing Order 67**

#### **Leave to move motion during debate of another substantive matter ruled out of order**

On 25 May 2022 the Speaker made a statement to the House referring to the member for Everton seeking leave to move a motion without notice during the Treasurer's reply to the second reading debate on a bill. The question of leave was put to the House, a division was called and the question was resolved in the negative. The Speaker reminded members of the general rule of procedure when a question has been posed by the Speaker and read to the House: that is, the House is in possession of that question and it must dispose of that question in one way or another before it can proceed with any other business.

Standing Order 90 provides that a question is superseded by the adjournment of the House on the motion of a member, a previous resolution of the House to pass to some other business, an amendment to the question, or a closure motion. Standing Order 237 provides for the adjournment of a debate. However, the Speaker noted that only a member who gets the call may move the adjournment and that a member cannot simply interrupt a member. Members who are speaking can only be interrupted in limited circumstances, such as a point of order or a matter of privilege under Standing Order 248 or to extend or curtail speaking time under Standing Order 247.

The Speaker asserted that it was grossly disorderly for the member to rise on a point of order and seek leave to move a motion without notice. The Speaker ruled that it was out of order to interrupt debate on a substantive question and seek leave to move a motion without notice.

Record of Proceedings: 25 May 2022, p 1301  
**Standing Order 63**

## **SPEAKER STATEMENTS AND RULINGS**

#### **Questions on notice and responses**

On 17 March 2022 the Speaker made a statement to the House about his expectations in respect of questions on notice and responses.

The Speaker advised that the initial assessment of both questions and responses was now delegated to the Clerk and his delegates. For questions, where time was of the essence, if a compliant question could not be negotiated with the member asking the question, the Clerk will refer the question to the Speaker for a determination. For responses, the Clerk and his officers had until now only reviewed answers in terms of compliance with Standing Orders. Now, they will assess responses with regard to relevance; that is, whether answers were responsive to the question.

Standing Orders 112 and 115 set out the rules for questions. In relation to questions the Speaker advised that: questions are to be brief and relate to only one issue; questions must not contain arguments, inferences or imputations; questions containing gratuitous political statements will be considered



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argumentative and ruled out of order; questions which contain facts which cannot be authenticated will be ruled out of order; questions offering opinions or stating facts beyond those necessary to explain the question will be ruled out of order.

Standing Order 118 contains the rules for responses to questions; namely, a member must not debate the subject to which the question refers and an answer must be relevant to the question. The Speaker noted that as long as a question complied with the Standing Orders and sought to elicit information which should be available to the Minister, he would rule that the Minister should answer the question in a relevant and genuine manner.

The Speaker also advised that: answers not relevant to the question asked will be ruled out of order; answers should reference the unit of measurement or geographic area which is the focus of the question where that data is available; if data for the requested unit of measurement or geographic area is not readily available, an answer providing data for a more commonly used unit or overlapping area may be acceptable provided that is explained in the response; answers which state the information sought is already available in the public arena will be acceptable if the information is readily accessible and an explanation of where and how it can be obtained is detailed in the answer - it is generally not acceptable to identify a website or report without reference to a specific web page or location in the report; answers which contain an explanation of why information sought by the question is not readily recorded and where collating the information poses an unreasonable burden on an agency's resources will be ruled answered; ministers should use their best and reasonable endeavours in attempting to answer in a genuine manner; answers containing gratuitous political statements not relevant to the question will be ruled out of order.

The Speaker defined gratuitous political statements as statements superfluous to putting a question on notice or answering the same and include but are not limited to commentary on previous state and federal government and ministers who served in them (expressly including the immediately previous state government); other members of the House; the federal government, federal opposition, federal members and federal senators; local government, mayors and councillors; potential or declared candidates for election to local, state or federal government; insults, smears and politically inspired nomenclature.

Record of Proceedings: 17 March 2022, pp 507-510  
**Standing Orders 112, 115 and 118**

## 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.

On 29 March 2022, the Ethics Committee reported on one matter of privilege concerning the alleged failure of a member to register an interest on the Register of Members' Interests (Report No. 209). In its Report No. 209, the Ethics Committee found that the member in question had complied with the requirements of Schedule 2 of the Standing Orders and there was no finding of contempt. The Ethics Committee took the opportunity in its report to remind all members that it is best practice to proactively obtain knowledge of all



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investments of trusts and self-managed superannuation funds, so as to avoid any allegations of wrongdoing, or future referrals to the Ethics Committee.

## LEGISLATION

### Bills declared urgent

A Bill may be declared urgent and pass through all stages in a very short timeframe, e.g. an urgent 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 2022, the House declared two bills urgent: one was referred to a portfolio committee and the other was not referred.

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

##### *Public Health and Other Legislation (Extension of Expiring Provisions) Amendment Bill*

On 22 February 2022 the Public Health and Other Legislation (Extension of Expiring Provisions) Amendment Bill was declared urgent upon its introduction and referred to a committee for examination with a report date of 25 March 2022.

The bill proposed to extend essential public health measures required to support Queensland's response to the COVID-19 pandemic until the COVID-19 public health expiry day, which is the day the COVID-19 emergency ends under s.324(1) of the *Public Health Act 2005* or 31 October 2022, whichever is earlier.

The bill was passed on 31 March 2022 without amendment.

Record of Proceedings: 22 February 2022, p37  
31 March 2022, p899  
**Standing Order 137**

#### **Urgent bill not referred to a portfolio committee**

##### *Revenue Legislation Amendment Bill*

On 21 June 2022, the Revenue Legislation Amendment Bill was introduced, declared urgent and not referred to a committee to enable the bill to pass through all remaining stages in that week's sitting.

The bill proposed to amend legislation to implement revenue measures announced in the 2021-22 and 2022-23 state budgets and to amend the *Duties Act 2001*, the *Duties Regulation 2013*, the *First Home Owner Grant and Other Home Owner Grants Act 2000*, the *Gaming Machine Regulation 2002*, the *Land Tax Act 2010*, the *Mineral Resources Regulation 2013* and the *Payroll Tax Act 1971*.

The bill was passed on 24 June 2022 without amendment.

Record of Proceedings: 21 June 2022, p1549  
24 June 2022, p1921  
**Standing Order 137**



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#### 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.

#### *Working with Children (Indigenous Communities) Amendment Bill*

On 24 February 2022 the Speaker made a ruling on the Working with Children (Indigenous Communities) Amendment Bill 2021 (a private member's bill) and the Child Protection Reform and Other Legislation Amendment Bill 2021 (a government bill) with respect to the same question rule. The Speaker noted that one clause of the government bill and one clause of the private member's bill sought to insert alternative provisions including new sections 594 at the same point in the act and that, as drafted, these clauses could not stand together. The Speaker ruled that neither bill offended the same question rule for the purpose of their second reading. However, should both bills pass the second reading stage, in consideration in detail when these clauses are considered the same question rule would be enlivened to the clauses in the second bill under consideration.

Record of Proceedings: 24 February 2022, p209  
**Standing Order 87**

#### *Child Protection Reform and Other Legislation Amendment Bill*

On 24 February 2022 the Speaker made a ruling on the Child Protection Reform and Other Legislation Amendment Bill 2021 (government bill) and the *Child Protection and Other Legislation Amendment Act 2021* (government act). The Speaker ruled that the same question rule was enlivened with respect to two clauses and one schedule of the government bill. The Speaker noted that a motion to suspend Standing Order 87 would be required for these clauses and schedule to be considered. On 10 May 2022 the House agreed to suspend Standing Order 87 to allow the consideration of the bill in its current form.

Record of Proceedings: 24 February 2022, pp209-210  
10 May 2022, p 932  
**Standing Order 87**

#### *Public Health and Other Legislation (Extension of Expiring Provisions) Amendment Bill*

On 29 March 2022 the Speaker made a ruling on the Public Health and Other Legislation (Extension of Expiring Provisions) Amendment Bill and the application of the same question rule. The Speaker noted there were clauses in the bill which sought to amend provisions of acts already amended in this session of parliament, contrary to Standing Order 87. The Speaker ruled that the same question rule was enlivened with respect to clauses 14, 19, 20, 22, 31, 32, 34 and 35 and schedule 1 of the bill. The House agreed to suspend Standing Order 87 to allow those clauses and schedule of the bill to be considered on 29 March 2022.

On 30 March 2022 the Speaker made a ruling on the Public Health and Other Legislation (Extension of Expiring Provisions) Amendment Bill regarding the same



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question rule and amendments the opposition was proposing to move during consideration in detail. The Speaker noted that opposition amendment No. 2 was substantially the same as another opposition amendment moved and negatived to the Public Health and Other Legislation (Further Extension of Expiring Provisions) Amendment Bill 2021, which was passed in the same session of this parliament. This is contrary to Standing Order 150 which provides that no amendment shall be moved which is substantially the same as one already negatived by the House. The Speaker therefore ruled the circulated amendment out of order.

Record of Proceedings: 29 March 2022, pp603-604  
29 March 2022, p632  
30 March 2022, p723  
**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 15 March 2022 a member asked whether the Minister for Women and former employment lawyer supported the Premier's call for victims of misogynistic verbal abuse to get in a room with their alleged abusers and sort it out. The Speaker ruled the question out of order.

Record of Proceedings: 15 March 2022, p322  
**Standing Order 115**

On 15 March 2022 a member asked the Attorney-General whether the Chief Health Officer's public health directions under state legislation are subject to judicial review and whether those directions not enacted in parliament will cease to have lawful effect once the declared emergency ends on 26 March 2022. The Speaker ruled the question out of order.

Record of Proceedings: 15 March 2022, pp324-325  
**Standing Order 115**

### Inferences or imputations in questions

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

On 12 May 2022 a member asked the Premier whether she would instruct the Health Minister to release hospital data for the current year to date, being 132 days into 2022 and Queenslanders seeing hospital data for 2021 only, or whether she was so out of touch that she could no longer comprehend how bad the health crisis had become. The Premier rose on a point of order stating that she found the question personally offensive. The Speaker ruled the question out of order for containing imputations and asked the member to withdraw the comments.

Record of Proceedings: 12 May 2022, p1131  
**Standing Order 115**



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#### Not related to public affairs of minister

Under Standing Order 113, questions without notice cannot be put to a minister if it is not related to public affairs with which the minister is officially connected.

On 30 March 2022 a member asked the Minister for Housing whether Minister de Brenni in any way inhibited the minister from approving the former state archivist investigating the use of private emails by other ministers. The Speaker noted that the question must relate to the public affairs to which the minister is connected, not a previous minister, and ruled the question out of order.

On 23 June 2022 a member asked whether the Premier or any of her staff gave, or were aware of, instructions to Labor members to not attend a PCCC meeting that morning which would have dealt with the release of documents relating to former minister Jackie Trad. The Speaker ruled the question out of order because the Premier does not have responsibility over committees; conversations about political matters are not part of portfolio responsibilities; and discussing ongoing committee business is not permissible.

Record of Proceedings: 30 March 2022, p743  
23 June 2022, p1661  
**Standing Order 113**