



MATTERS OF PROCEDURAL INTEREST

No. 23 — July to December 2022

Prepared by Chamber and Procedural Services Office

QUEENSLAND LEGISLATIVE ASSEMBLY PROCEDURAL BULLETIN

WORK OF THE HOUSE

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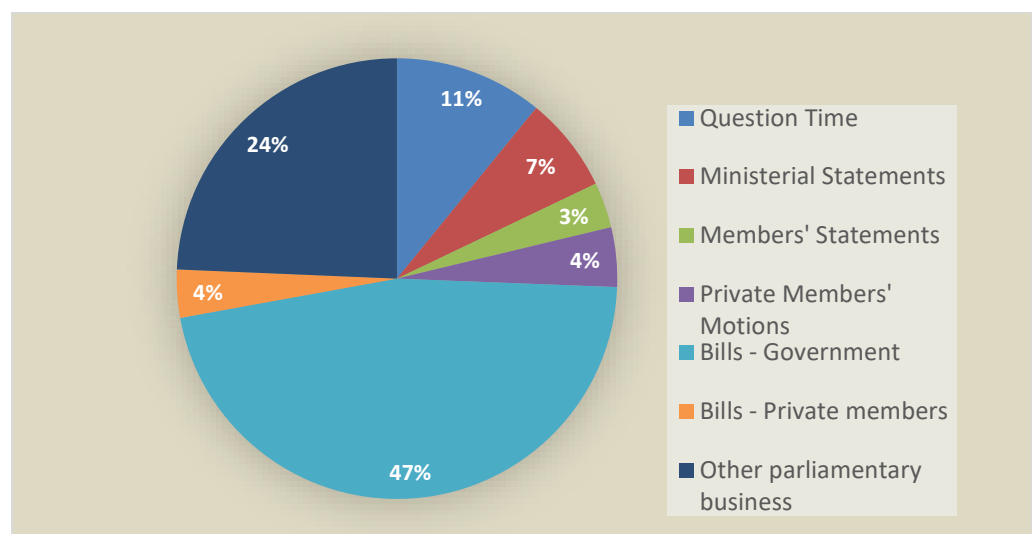
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Overview comparison

	1 Jul to 31 Dec 2022			1 Jan to 30 Jun 2022		
Sittings						
Sitting days	22			19		
Average duration per sitting day [hrs:mins]	8:55			9:44		
Legislation	1 Jul to 31 Dec 2022			1 Jan to 30 Jun 2022		
	Govt	PMB	Total	Govt	PMB	Total
Bills introduced	22	2	26	17	0	17
Bills passed	21	0	21	14	0	14
Bills referred to committees	21	2	23	16	0	16
Bills reported on by committees	15	0	15	12	2	14

Business conducted

The following chart shows a breakdown of the business conducted during the period 1 July to 31 December 2022.





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DEATH OF QUEEN AND ACCESSION OF KING

On 8 September 2022 Queen Elizabeth II passed away at Balmoral Castle, United Kingdom. On 9 September the Speaker, in accordance with Sessional Order 1B and on advice of the government, postponed the sitting week scheduled for 13 September. On 11 September 2022 the Governor and members of the Executive Council proclaimed King Charles III. The Governor read the proclamation publicly at Government House and then to members in the former Legislative Council chamber. The Commonwealth Government announced a public holiday for 22 September. To give effect to this national public holiday in Queensland, legislative amendment was required to the Holidays Act 1983 and the Industrial Relations Act 2016. On 13 September the Speaker, on advice of the government, recalled the House on 15 September at 9.30am to introduce an urgent bill. The bill was passed and assented to on the same day. The government and opposition agreed to 24 members attending with the remainder being paired so that a quorum was met. The Leader of the House tabled an updated sitting calendar for the remainder of 2022 with an additional day added to three scheduled sitting weeks.

Record of Proceedings: 15 September 2022, pp2511-2518

MEMBERS

Warnings and suspension of members

On 27 occasions between July and December, the Speaker followed up warnings to members with an order to withdraw from the Chamber.

Record of Proceedings: 17 August 2022, p2046
1 September 2022, p2445
12 October 2022, p2646
13 October 2022, p2706, p2757 and p2762
26 October 2022, p3016
27 October 2022, p3135 x 2, p3136 x 3, p3144, p3212 and p3222
28 October 2022, pp3243 and p3244
9 November 2022, p3415 and p3494
10 November 2022, p3522, p3525 and p3526
29 November 2022, p3625
30 November 2022, p3741 and p3793
2 December 2022, p3923 and p3939
Standing Order 253A

SPEAKER STATEMENTS AND RULINGS

Incident in Public and Speaker's Galleries

On 30 November 2022 the proceedings of the Legislative Assembly were intentionally disrupted by protestors. The public and Speaker's galleries were immediately cleared and the protestors removed from the precinct. The Speaker made a statement to the House later the same day about protestors bringing material into the gallery hidden under clothes. Cameras to film and live-stream the protest were brought in by accomplices using disabled access facilities for a wheelchair, thus avoiding detection. Section 56 of the Criminal Code provides that any person who disturbs the Assembly or commits any disorderly conduct in the immediate view and presence of the Assembly intending to interrupt its proceedings commits a misdemeanour. The Speaker advised the House that Parliamentary Security was investigating this matter and that he would request the Queensland Police Service to charge the offenders who disturbed the Assembly.



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Record of Proceedings: 30 November 2022, p 3724 and p 3775
Standing Order 243

Matters of privilege and points of order

On 28 October 2022 the Speaker made a statement to the House about his expectations in respect of matters of privilege and points of order.

The Speaker reminded members of some basic and important rules of the House. He noted that a genuine matter of privilege suddenly arising could be raised by a member at any time under standing order 248. To satisfy the requirements of standing order 248, a matter must, firstly, be a matter of privilege and, secondly, be a matter that has suddenly arisen and requires immediate redress. The Speaker stated that few matters fall within the definition of a matter of privilege suddenly arising.

Matters that could fall into that category include members being unable or prevented from entering the chamber, strangers being present in the House and interrupting proceedings and required material not being available for proceedings before the House. Accusing a member of some action that occurred in debate hours before; correcting the record of another member's speech; alleging that another member is misleading the House; putting a member's own position on the matter or introducing another topic or material are not matters of privilege suddenly arising.

The Speaker noted that a point of order is a question as to whether the present proceedings are in order or allowed by the rules of the House or parliamentary practice and procedure generally. A member's point of view is not a point of order; it is merely disorderly. It is not a point of order to allege that another member is misleading the House or put the member's own position on a matter, or introduce another topic or material. Persistent deliberately disruptive or frivolous matters of privilege being disorderly may result in a member being warned under standing orders 252 to 254.

The Speaker also reminded members that standing orders and practice and procedure prevent unparliamentary language and personal reflections on other members. These rules are aimed at ensuring civilised debate and questioning on issues rather than personal attacks across the chamber. What is unparliamentary lies in the realm of who is in the chair, but generally it is any language or expression that is unworthy of the dignity of the parliament as an institution. The Speaker noted that standing order 234 provides that imputations of improper motives, personal reflections and unbecoming or offensive words in relation to another member are disorderly. A member has a right to require the withdrawal of such personal reflections. The Speaker asked members to utilise this right when truly offended and not as a tactic to display mock outrage whenever their name was mentioned.

Record of Proceedings: 28 October 2022, p 3233
Standing Orders 234, 248 and 252-254

Tabled paper out of order

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.



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On 8 November 2022 a member sought to table a document containing a reference to matters that were sub judice. The document was ruled out of order as it would have offended Standing Order 233 if tabled.

Record of Proceedings: 8 November 2022, p3393
Standing Order 26

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 1 September 2022 the Ethics Committee reported on one matter of privilege concerning the alleged unauthorised disclosure of committee proceedings (Report No. 210). In its Report No. 210, the Ethics Committee found that, while the elements to establish the contempt in relation to an unauthorised disclosure had been met, the source of the disclosure was unable to be identified. The Ethics Committee took the opportunity in its report to reiterate that any unauthorised disclosure of committee proceedings represents an attack on the integrity of the parliament. The Ethics Committee also reminded members and others who are privy to committee proceedings on the importance of confidentiality to preserve the integrity of the parliament and its committees.

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 July and December 2022, the House declared five bills urgent. Four bills were declared urgent upon introduction and referred to a committee for a period of less than six weeks and one bill was introduced and passed on the same day.

The urgent bills were: Holidays and Other Legislation Amendment Bill 2022, Appropriation (Parliament) Bill (No. 3) 2022, Appropriation Bill (No. 3) 2022, Betting Tax and Other Legislation Amendment Bill 2022 and Coal Mining Safety and Health and Other Legislation Amendment Bill 2022.

Record of Proceedings: 15 September 2022, p2513
12 October 2022, p2611
Standing Order 137

Bills ruled out of order and discharged

Land Tax and Other Legislation (Empty Homes Levy) Amendment Bill 2022

On 26 October 2022 the member for South Brisbane introduced the Land Tax and Other Legislation (Empty Homes Levy) Amendment Bill 2022 and moved that the bill be read a first time. Immediately after the motion being moved, the Speaker ruled that the bill in seeking to enact a levy on empty homes and vacant land was a revenue bill.



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On 17 November 2021 the Speaker ruled the big Bank Levy (COVID-19 Health Response) Bill 2021 sought to impose revenue and breached the fundamental constitutional convention of the financial imperative of the Crown. The bill was therefore out of order and was discharged from the committee and the Notice Paper.

A dissent motion was made to the Speaker's ruling by the member for South Brisbane. The dissent motion was debated on 1 December 2021 and the House affirmed the ruling of the Speaker. The Speaker noted that a ruling being challenged by a dissent is effectively an appeal to the House and that the affirmative decision by the House to support a Speaker's ruling is a higher form of precedent than the initial ruling by the Speaker.

The House is the master of its own proceedings. The House made a clear decision to support that ruling. The Speaker stated that the House in upholding the principle of the fundamental constitutional convention of the financial imperative of the Crown has held that a private member's bill which seeks to increase or impose revenue breaches that convention and is out of order. The Land Tax and Other Legislation (Empty Homes Levy) Amendment Bill 2022, as a private member's bill seeking to increase or impose revenue in breach of the constitutional convention of the financial imperative of the Crown, was therefore ruled out of order by the Speaker and discharged from the Notice Paper.

Record of Proceedings: 26 October 2022, pp 3040-3041
Standing Orders 2 and 81

Petroleum and Gas (Production and Safety) (Royalties and Cost of Living Relief) Amendment Bill 2022

On 30 November 2022 the member for South Brisbane introduced the Petroleum and Gas (Production and Safety) (Royalties and Cost of Living Relief) Amendment Bill 2022. The Speaker ruled that the bill was not only a revenue bill but also an appropriation bill.

The bill, in seeking to commit the government to giving every adult aged 18 and above residing in Queensland as at 30 November 2022 a \$500 cost-of-living payment funded by tripling the top tier of gas royalties during 2023, was a revenue bill. Any moneys raised from the royalties proposed by the bill would go into the Consolidated Fund.

Section 68 of the Constitution Act 2001 provides that the Legislative Assembly must not originate or pass a vote, resolution or bill for the appropriation of an amount from the consolidated fund that has not first been recommended by a message of the Governor. The Speaker stated that the presentation of the bill could not proceed any further and was out of order.

The Speaker noted that this was the third time the member for South Brisbane ignored the standing orders of the House and rules of the parliament. The Speaker reserved his right to consider whether this might warrant the consideration of the Ethics Committee as it could be deemed a deliberate contempt of the House. On 1 December 2022 the Speaker referred the member for South Brisbane to the Ethics Committee for continually attempting to breach the rules, or repeatedly and knowingly ignoring the rules, of the Legislative Assembly.

Record of Proceedings: 30 November 2022, pp 3749-3750
1 December 2022, p3819
Standing Orders 2, 81 and 174



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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.

Health Practitioner Regulation National Law and Other Legislation Amendment Bill

On 30 August 2022 the Speaker made a ruling on the Health Practitioner Regulation National Law and Other Legislation Amendment Bill 2022 with respect to the same question rule. The Speaker noted that amendments in the bill were predominantly organised thematically rather than sequentially – namely, by subject not in order. Standing Orders are designed with a number of principles of bill making assumed. The primary principle is that an amending bill will make amendments in the primary act sequentially. Another principle noted by the Speaker is that amendments are dealt with sequentially in the order in which they occur by clause or schedule. Standing Order 96 does not permit going backwards in consideration of a bill—that is, to a point in the bill which is before the latest decision of the House. The Speaker ruled that the same question rule was enlivened by a number of clauses and noted that a motion to suspend Standing Order 87 would be required for these clauses to be considered. On 12 October 2022 the House agreed to suspend Standing Order 87 to allow the consideration of the bill in its current form.

Record of Proceedings: 30 August 2022, p2221
12 October 2022, p2611
Standing Order 87

Public Health and Other Legislation (COVID-19 Management) Amendment Bill

On 25 October 2022 the Speaker made a ruling on the Public Health and Other Legislation (COVID-19 Management) Amendment Bill 2022 and the application of the same question rule. The Speaker ruled that the same question rule was enlivened with respect to one clause and a schedule of the bill. The Speaker noted that a motion to suspend Standing Order 87 would be required for this clause and schedule to be considered. On 25 October 2022 the House agreed to suspend Standing Order 87 to allow the consideration of the bill in its current form.

Record of Proceedings: 25 October 2022, p2888
25 October 2022, p2898
Standing Order 87

Betting Tax and Other Legislation Amendment Bill 2022

On 9 November 2022 the Speaker made a ruling on the Betting Tax and Other Legislation Amendment Bill 2022 and the application of the same question rule. The Speaker ruled that the same question rule was enlivened with respect to a number of clauses and noted that a motion to suspend Standing Order 87 would be required for these clauses to be considered. On 9 November the Treasurer circulated amendments to the Betting Tax and Other Legislation Amendment Bill. One amendment sought to amend a section of an Act already amended by a bill



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passed in the same session of parliament. This is contrary to Standing Order 150 which provides that an amendment may not be moved which is substantially the same or inconsistent with one already agreed to by the House. On 10 November 2022 the House agreed to suspend Standing Order 87 to allow those clauses of the bill to be considered and Standing Order 150 to allow any amendments circulated by the Treasurer to be moved and considered.

Record of Proceedings: 9 November 2022, p3395
10 November 2022, p3528

Standing Orders 87 and 150

QUESTIONS WITHOUT NOTICE

Hypothetical matters

Standing Order 115(b)(v) provides that questions without notice shall not contain hypothetical matters.

On 29 November 2022 a member asked the Premier whether Queenslanders' power bills on 30 June 2024 would be higher or lower than they were now. The Speaker ruled the question out of order for being framed in a way that was hypothetical and seeking an opinion.

Record of Proceedings: 29 November 2022, p3620

Standing Order 115

Imputations

Standing Order 115(b)(iv) provides that questions without notice shall not contain imputations.

On 13 October 2022 a member prefaced a question to the Premier by stating that the chief whip had broken ranks to contradict the health minister; a cabinet minister had threatened to resign over service cuts in his community; and the Premier and the Treasurer were at war over land tax. The member asked the Premier how the government could govern Queensland if it could not govern itself. The Speaker ruled the question out of order for containing imputations.

On 10 November 2022 a member asked what assurances the health minister could provide to her department that she continues to enjoy the confidence of the Premier given that the Premier did not speak in the debate of the no-confidence motion on the health minister the previous day. The Speaker ruled the question out of order for containing imputations and inferences, potentially being outside the minister's portfolio responsibilities and potentially seeking an opinion.

Record of Proceedings: 13 October 2022, p2706

10 November 2022, p3516

Standing Order 115

Not related to public affairs of minister

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



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On 8 November 2022 a member asked the Minister for Health whether the timing of the last parliament's sitting was changed so the minister could go on a booked Melbourne Cup cruise. The Speaker noted that the question was not about the minister's portfolio responsibilities and ruled the question out of order.

Record of Proceedings: 8 November 2022, p3298
Standing Order 113

Questions requiring too much detail

On 2 December 2022 a member asked whether the Premier could tell Queensland which ministers were responsible for each of the 78 recommendations in the A Call for Change report released last week. The Speaker ruled the question out of order for requiring too much detail in a question without notice.

Record of Proceedings: 2 December 2022, p3926
Standing Order 113