



MATTERS OF PROCEDURAL INTEREST

No. 24 — January to June 2023

Prepared by Chamber and Procedural Services Office

QUEENSLAND LEGISLATIVE ASSEMBLY PROCEDURAL BULLETIN

WORK OF THE HOUSE

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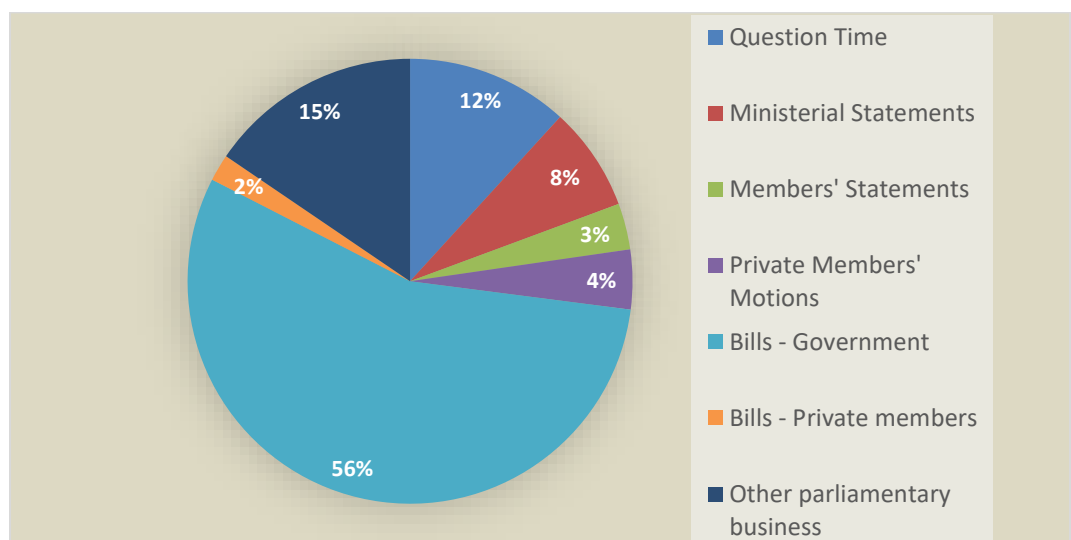
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Overview comparison

	1 Jan to 30 Jun 2023			1 Jul to 31 Dec 2022		
Sittings						
Sitting days	22			22		
Average duration per sitting day [hrs:mins]	9:32			8:55		
Legislation						
	1 Jan to 30 Jun 2023			1 Jul to 31 Dec 2022		
	Govt	PMB	Total	Govt	PMB	Total
Bills introduced	15	2	17	22	4	26
Bills passed	18	0	18	21	0	21
Bills referred to committees	14	2	16	21	2	23
Bills reported on by committees	16	2	18	15	0	15

Business conducted

The following chart shows a breakdown of the business conducted during the period 1 January to 30 June 2023.





MATTERS OF PROCEDURAL INTEREST

No. 24 – Jan to June 2023

BUDGET AND ESTIMATES

On 13 June 2023, the Treasurer and Minister for Trade and Investment delivered the Budget. On 16 June 2023, 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 2023 Budget Estimates by 18 August 2023.

Record of Proceedings: 13 June 2023, pp1792-1801
16 June 2023, pp2062-2072

MEMBERS

Warnings and suspension of members

On 34 occasions between January and June, the Speaker followed up warnings to members with an order to withdraw from the Chamber.

Record of Proceedings: 21 February 2023, p24, p31 and p78
22 February 2023, p125,126, p130 and p187
23 February 2023, p259
14 March 2023, p319
15 March 2023, p448, p480, p487, p489 and p 503
16 March 2023, p551
28 March 2023, p627
29 March 2023, p724, p726, p778, p782 and p803
19 April 2023, p1024
11 May 2023, p1395, p1402, p1404 and p1443
24 May 2023, p1593 and p1639
13 June 2023, p1767 and p1768
14 June 2023, p1819, p1827, p1830 and p1880
Standing Order 253A

MOTIONS

Amendment to notice of motion

On 19 April 2023, the Acting Speaker made a statement to the House regarding the application of the same question rule to a private member's notice of motion given on the same day. The Acting Speaker advised that an amendment to a bill was moved by another member and negatived by the House of substantially the same effect as the matters contained in paragraph 1 of the notice of motion. In accordance with Standing Order 70, the Acting Speaker amended the notice of motion to omit paragraph 1.

Record of Proceedings: 19 April 2023, pp 1026-1027
Standing Order 70

SPEAKER STATEMENTS AND RULINGS

Tabled papers 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.

On 14 March 2023, during debate on the Strengthening Community Safety Bill, a member tabled a document containing messages and emails from Toowoomba victims of crime. When unparliamentary language was later discovered in the document, it was unpublished by the Table Office. On 28 March 2023, the



MATTERS OF PROCEDURAL INTEREST

No. 24 – Jan to June 2023

Speaker ruled the document out of order and directed that it be removed from the tabled papers database as the document also contained references to multiple criminal allegations which the member could not confirm did not offend the sub judice rule in Standing Order 233.

Record of Proceedings: 28 March 2023, p600
Standing Order 26

On 15 March 2023, during debate on the Strengthening Community Safety Bill, a member tabled a copy of a submission made by a member of the public to the Economics and Governance Committee's inquiry regarding the bill. The clerks at the table held over the publishing of this document to ensure compliance with the standing rules and orders of the House. On 16 March 2023, the Speaker made a ruling in relation to the document. The Speaker was of the understanding that the committee had resolved to make that submission confidential. The Speaker noted that he had to balance the right of members to table documents alongside the right of a committee to maintain the integrity and confidentiality of its proceedings. To allow the tabling of the document would subvert and undermine the committee's decision that the submission remain confidential. The Speaker accordingly ruled the document out of order and not tabled.

Record of Proceedings: 16 March 2023, p 512
Standing Order 26

On 15 March 2023, during debate on the Strengthening Community Safety Bill, a member tabled a bundle of media articles which referred to criminal matters. The member was unable to provide assurance to the House that the articles did not offend the sub judice rule in Standing Order 233. On 16 March 2023, the Speaker ruled the tabling of the documents out of order and requested that they be removed from the tabled papers database.

Record of Proceedings: 16 March 2023, p 512
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.

Between January and June 2023, the Ethics Committee reported on three matters of privilege:

- an alleged deliberate misleading of the House by a member (Report No. 212);
- a citizen's right of reply (Report No. 213); and
- an alleged unauthorised disclosure of a committee proceeding (Report No. 214).

In its Report No. 212, the Ethics Committee made two recommendations: (1) that the House make no finding of contempt against the Member; and (2) that the Committee of the Legislative Assembly consider whether to strengthen the Members Code of Ethical Standards to offer more guidance to members in relation to substantiating information that forms the basis of statements made in the House which amount to allegations of serious misconduct.



MATTERS OF PROCEDURAL INTEREST

No. 24 – Jan to June 2023

In its Report No. 214, the Ethics Committee made two recommendations: (1) that the House make a finding of contempt for an unauthorised disclosure of a committee proceeding; and (2) that the Minister for Local Government considers proposing an amendment to the *Local Government Act 2009* to include parliamentary privilege as an exemption under section 170A, with any proposal to be considered by the House as soon as practicable.

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 2023, the House declared two bills urgent: one was referred to a portfolio committee for less than six weeks; the other was introduced and passed in the same sitting week.

Urgent bill referred to a portfolio committee

Strengthening Community Safety Bill 2023

On 21 February 2023, the Strengthening Community Safety Bill 2023 was declared urgent upon its introduction and referred to a committee for examination with a report date of 10 March 2023.

The objective of the bill was to give effect to legislative reforms announced by the government in December 2022 aimed at keeping the community safe. The bill contained a number of override declarations which necessitated the tabling by the relevant minister of the first statement of exceptional circumstances pursuant to the *Human Rights Act 2009*.

The bill was passed on 16 March 2023 with amendment.

Record of Proceedings: 21 February 2022, p36
16 March 2023, p588
Standing Order 137

Urgent bill not referred to a portfolio committee

Revenue Legislation Amendment Bill

On 13 June 2023, 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 the *Duties Act 2001*, the *Land Tax Act 2010*, the *Land Tax Regulation 2021*, the *Payroll Tax Act 1971* and the *Taxation Administration Act 2001* to implement revenue measures announced in the 2023-24 state budget and to make other amendments to revenue legislation.

The bill was passed on 16 June 2023 without amendment.

Record of Proceedings: 13 June 2023, p1802
16 June 2023, p2158
Standing Order 137



MATTERS OF PROCEDURAL INTEREST

No. 24 – Jan to June 2023

Amendment to second reading

Housing Legislation Amendment Bill

On 28 March 2023, the member for South Brisbane moved an amendment to the question that the Housing Legislation Amendment Bill be read a second time, moving to omit the words 'be now read a second time' and insert 'that Queensland introduce a two-year rent freeze, followed by long-term cap on rent increases at two per cent every two years.' The Deputy Speaker ruled the amendment out of order.

On 29 March 2023, the Speaker provided the reasons for the amendment being ruled out of order. The Speaker noted that there was no difficulty in members moving reasoned amendments to the second reading question and that this was contemplated by Standing Order 141. He further noted that there were precedents for amendments including: to refer bills to committees; to refer bills back to committee; and to forestall the second reading until an identified event occurs.

However, the Speaker stated that the member for South Brisbane's amendment sought to go further than to seek to delay the second reading until some identified future event. It sought to remove the question that the bill be now read a second time in its entirety. The member for South Brisbane's proposed amendment was contrary to Standing Order 141 because it was not directly relevant to the question before the House—that is, that the Housing Legislation Amendment Bill, in its current form, be now read a second time. Accordingly, the amendment was out of order.

Record of Proceedings: 29 March 2023, p 707
Standing Order 141

Planning (Inclusionary Zoning Strategy) Amendment Bill in order

On 19 April 2023, the Planning (Inclusionary Zoning Strategy) Amendment Bill was introduced. On 11 May 2023 the Speaker made a ruling to the House on whether the private member's bill was a revenue bill or otherwise offended the law and practice of the Assembly.

Clause 3 of the bill sought to include a new part in the *Planning Act 2016* which proposed a new section 275ZJ which stated that the 'Minister must, within 2 months after the relevant date, introduce a bill in the Legislative Assembly that achieves the objectives mentioned in sections 275ZK and 275ZL'. These sections required all new developments to set aside 25 per cent of the dwellings constructed to be reserved for transfer to the State for public housing. In short, the bill sought to facilitate a process to compulsorily acquire private property without compensation.

The ruling considered whether a bill for compulsory acquisition without compensation was a revenue bill. The Speaker determined that the bill did not seek to compulsorily acquire property without compensation but rather impose an obligation on the Minister to introduce a bill which achieved those objectives and therefore the bill was not a revenue bill.

The ruling then considered whether a bill which placed a statutory obligation on a Minister to introduce legislation to implement a specific, particularised policy



MATTERS OF PROCEDURAL INTEREST

No. 24 – Jan to June 2023

was in order. It was noted that the device used by the Member who introduced the bill has been employed previously in two bills introduced in the Senate, the first on 12 March 2013 and the second on 8 August 2022. The Speaker stated that the bill appeared to transgress upon the rights or discretion of a Minister, compelling them to introduce legislation in accordance with a specific, particularised policy, theoretically placing them in conflict with their collective responsibilities as a Member of the Cabinet, a Westminster convention now recognised in s.42 of the Constitution of Queensland 2001. However, he concluded that it was not a matter for the Speaker to protect the rights of a Member in their capacity as Minister and that a breach of cabinet rights is not a matter of privilege (see Report No. 16 *Members' Ethics and Parliamentary Privileges Committee—Report on a matter of privilege—Matter of privilege referred to the committee on 3 March 1998 concerning the tabling of a document from a former cabinet*).

The Speaker concluded that there was no current procedural impediment to the bill proceeding.

Record of Proceedings: 11 May 2023, pp1377-1380
Standing Orders 2 and 174

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.

Police Powers and Responsibilities (Jack's Law) Amendment Bill

On 21 February 2023, the Speaker ruled that the same question rule was enlivened by two clauses in the Police Powers and Responsibilities (Jack's Law) Amendment Bill 2023. The Speaker noted that a motion to suspend Standing Order 87 would be required for these clauses to be considered. On 29 March 2023, the House agreed to suspend Standing Order 87 to allow consideration of the bill in its current form.

Record of Proceedings: 21 February 2023, pp2-3
29 March 2023, p 729
Standing Order 87

Police Service Administration and Other Legislation Amendment Bill (No. 2)

On 21 February 2023, the Speaker ruled that the same question rule was enlivened by two clauses in the Police Service Administration and Other Legislation Amendment Bill (No. 2) 2023. The Speaker noted that a motion to suspend Standing Order 87 would be required for these clauses to be considered. On 28 March 2023, the House agreed to suspend Standing Orders 87 and 150 to allow the bill and any amendments circulated by the relevant minister to be moved and considered.

Record of Proceedings: 21 February 2023, p3
28 March 2023, p 631
Standing Order 87



MATTERS OF PROCEDURAL INTEREST

No. 24 – Jan to June 2023

Land and Other Legislation Amendment Bill

On 23 February 2023, the Speaker made a ruling regarding the Land and Other Legislation Amendment Bill and the application of the same question rule. The Speaker noted that an amendment proposed to be moved by the government was inconsistent with amendments previously considered and agreed to by the House in the same session of parliament, contrary to Standing Orders 87 and 150. The Speaker ruled that the same question rule was enlivened with respect to this government amendment. Later the same day, the House agreed to suspend Standing Orders 87 and 150 to allow this amendment to be moved and considered.

Record of Proceedings: 23 February 2023, p211 and p221
Standing Orders 87 and 150

Strengthening Community Safety Bill

On 14 March 2023, the Speaker made a ruling regarding the same question rule on the Strengthening Community Safety Bill, the *Youth Justice and Other Legislation Amendment Act 2021* and amendments approved for circulation by an opposition member. The Speaker ruled that the same question rule was enlivened by two clauses in the bill, contrary to Standing Order 87, and by an opposition amendment which was the same as an amendment moved and negatived to a previous bill, contrary to Standing Order 150. Later the same day, the House agreed to suspend Standing Orders 87 and 150 to allow the bill and any amendments circulated by the minister in charge of the bill to be moved and considered. On 15 March 2023, the Speaker ruled that the same question rule was also enlivened by an amendment approved for circulation by a cross-bench member. The amendment was the same as an amendment moved and negatived to a previous bill, contrary to Standing Order 150. The Speaker therefore ruled the amendment out of order.

Record of Proceedings: 14 March 2023, p306 and p334
15 March, p409
Standing Orders 87 and 150

Local Government Electoral and Other Legislation (Expenditure Caps) Amendment Bill

On 18 April 2023, the Acting Speaker made a ruling on the Local Government Electoral and Other Legislation (Expenditure Caps) Amendment Bill and the application of the same question rule. The Acting Speaker noted that an amendment proposed to be moved by the government was inconsistent with amendments previously considered and agreed to by the House in the same session of parliament, contrary to Standing Orders 87 and 150. The Speaker ruled that the same question rule was enlivened with respect to this government amendment. The House agreed to suspend Standing Orders 87 and 150 to allow this amendment to be moved and considered.

Record of Proceedings: 18 April 2023, pp 950-951
Standing Orders 87 and 150



MATTERS OF PROCEDURAL INTEREST

No. 24 – Jan to June 2023

Residential Tenancies and Rooming Accommodation (Rent Freeze) Amendment Bill

On 11 May 2023, the Speaker made a ruling with respect to the Residential Tenancies and Rooming Accommodation (Rent Freeze) Amendment Bill (a private member's bill). Clauses 4 and 5 sought to implement alternative or inconsistent schemes or policies on the same subject matter as that contained in amendments agreed to by the House in the passage of the *Local Government Electoral and Other Legislation (Expenditure Caps) Amendment Act 2023* in this session of Parliament. This enlivened the same question rule, contrary to Standing Order 87. Clause 6 proposed to omit a provision of an Act already amended by the *Housing Legislation Amendment Act 2021* in the same session of Parliament. This is contrary to Standing Order 87 and therefore enlivened the same question rule. Most of the remaining clauses in the bill were consequential to clauses 4, 5 and 6 which enlivened the same question rule contrary to Standing Order 87.

The private member's bill essentially sought to implement an alternative or inconsistent scheme or policy to that contained within amendments agreed to by the House in the passage of an Act in the same session of parliament. Accordingly, the Speaker ruled that the bill could not proceed and was discharged from the Notice Paper.

Record of Proceedings: 11 May 2023, pp 1380-1381
Standing Order 87

Health Practitioner Regulation National Law (Surgeons) Amendment Bill

On 14 June 2023, the Speaker ruled that the same question rule was enlivened by a clause in the Health Practitioner Regulation National Law (Surgeons) Amendment Bill. The Speaker noted that a motion to suspend Standing Order 87 would be required for this clause to be considered.

Postscript: On 12 September 2023, the House agreed to suspend Standing Order 87 to allow consideration of the bill in its current form.

Record of Proceedings: 14 June 2023, p 1805
12 September 2023, p2497
Standing Order 87

Child Protection (Offender Reporting and Offender Prohibition Order) and Other Legislation Amendment Bill

On 14 June 2023, the Speaker ruled that the same question rule was enlivened by two clauses in the Child Protection (Offender Reporting and Offender Prohibition Order) and Other Legislation Amendment Bill. The Speaker noted that a motion to suspend Standing Order 87 would be required for these clauses to be considered.

Postscript: On 24 August 2023, the House agreed to suspend Standing Orders 87 and 150 to allow the bill and any amendments circulated by the Minister to be moved and considered.

Record of Proceedings: 14 June 2023, pp 1805-1806
24 August 2023, p2400
Standing Orders 87 and 150



MATTERS OF PROCEDURAL INTEREST

No. 24 – Jan to June 2023

QUESTIONS WITHOUT NOTICE

Facts to be authenticated

As a rule of parliamentary practice, members must be able to authenticate facts in their questions.

On 10 May 2023 a member prefaced a question to the Premier by referring to a mother (referenced by her first name) who transported her deceased baby from her Rockhampton home in a Spotlight box because of the Gladstone maternity bypass. The Leader of the House rose to a point of order, asserting that the statement made by the member was incorrect and asking for it to be authenticated or ruled out of order. The Acting Speaker ruled the question out of order because the member did not authenticate all of the facts cited in the question.

Record of Proceedings: 10 May 2023, p1365

Inferences or imputations in questions

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

On 25 May 2023, with reference to the recent cabinet reshuffle, a member asked 'did the Premier consider shuffling herself out of her cabinet, as Queenslanders all know the fish rots from the head?' A point of order was taken by the Leader of the House that the question contained imputations and unparliamentary language. The Acting Speaker ruled the question out of order for containing imputations.

Record of Proceedings: 25 May 2023, p1680
Standing Order 115

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 the public affairs with which the minister is officially connected.

On 23 May 2023, a member cited the daily occurrence of cars being stolen, homes being broken into, and Queenslanders being injured by repeat youth criminal offenders. The member asked the Attorney-General what responsibility she took for these crimes due to the removal of breach of bail for youth offenders in 2015. The Acting Speaker noted that the question clearly related to the youth justice portfolio and ruled the question out of order.

Record of Proceedings: 23 May 2023, p1469
Standing Order 113