



# MATTERS OF PROCEDURAL INTEREST

## No. 25 — July to December 2023

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.

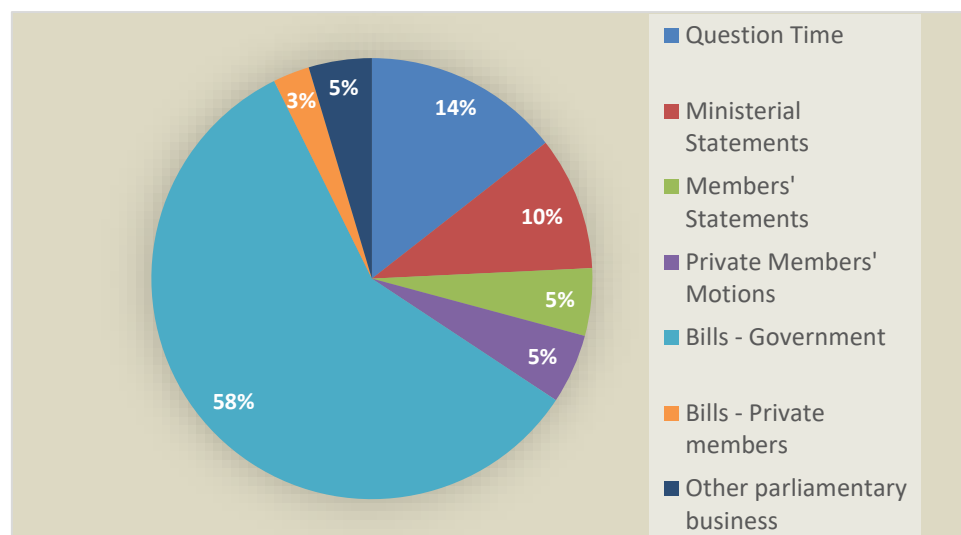
Click here to view: [Work of the House statistics](#)

### Overview comparison

|   | 1 Jul to 31 Dec 2023 |     |       | 1 Jan to 30 Jun 2023 |     |       |
|---|----------------------|-----|-------|----------------------|-----|-------|
| <b>Sittings</b>                             |                      |     |       |                      |     |       |
| Sitting days                                | 18                   |     |       | 22                   |     |       |
| Average duration per sitting day [hrs:mins] | 9:40                 |     |       | 9:32                 |     |       |
| <b>Legislation</b>                          | 1 Jul to 31 Dec 2023 |     |       | 1 Jan to 30 Jun 2023 |     |       |
|   | Govt                 | PMB | Total | Govt                 | PMB | Total |
| Bills introduced                            | 24                   | 4   | 28    | 15                   | 2   | 17    |
| Bills passed                                | 16                   | 0   | 16    | 18                   | 0   | 18    |
| Bills referred to committees                | 24                   | 4   | 28    | 14                   | 2   | 16    |
| Bills reported on by committees             | 14                   | 2   | 16    | 16                   | 2   | 18    |

### Business conducted

The following chart shows a breakdown of the business conducted during the period 1 July to 31 December 2023.





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## MEMBERS

### Warnings and suspension of members

On 18 occasions between July and December, the Speaker followed up warnings to members with an order to withdraw from the Chamber.

Record of Proceedings: 23 August 2023, p2280, p2284, p2320 and p2345  
24 August 2023, p2393, p2395 and p2410  
12 September 2023, p2499  
10 October 2023, p2801(**SO 253**)  
25 October 2023, p3214 and p3255  
14 November 2023, p3465 (**SO 256**)  
15 November 2023, p3542  
16 November 2023, p3604  
28 November 2023, p3686  
29 November 2023, p3872  
30 November 2023, p3907 (**SO 252**) and p3940

**Standing Orders 252, 253, 253A and 256**

## MOTIONS

### Closure motion

On 24 August 2023, the Member for Glass House moved a reasoned amendment to the second reading question for the Child Protection (Offender Reporting and Offender Prohibition Order) and Other Legislation Amendment Bill 2023. The Member proposed that the bill, along with the government amendments that were circulated on 23 August 2023, be referred back to the Community Support and Services Committee for full and proper examination.

Following approximately two hours of debate, the Minister for Police and Corrective Services and Minister for Fire and Emergency Services, Hon. Mark Ryan, moved a closure motion to the reasoned amendment. The Acting Speaker allowed the second reading question to be put, stating he was satisfied there had been reasonable explanation from both sides. The closure motion was resolved in the affirmative following a division. The reasoned amendment put by the Member for Glass House was negatived following a subsequent division.

Record of Proceedings: 24 August 2023, pp2406-2407  
**Standing Order 88**

## SPEAKER STATEMENTS AND RULINGS

### Authentication of facts in an e-Petition

On 22 August 2023, the Acting Speaker ruled that e-petition 3933-23 be removed from the Queensland Parliament website on the grounds that at least one fact in the e-petition could not be authenticated by the principal petitioner, following a complaint by an affected party.

Record of Proceedings: 22 August 2023, p2160  
**Standing Order 123**

### Conduct of Members

On 23 August 2023, the Acting Speaker made a statement regarding the conduct of members. The statement drew members' attention to the duty they owe to the House to ensure compliance with the rules of the House. Of particular note,



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the Acting Speaker highlighted the need for members to strictly adhere to the standing order regarding sub judice, as well as understanding and respecting the rule of law and the mutual respect to be shown between the judicial process and proceedings in the House. Secondly, the Acting Speaker stated there is an increasing tendency for members to falsely attribute statements to other members to facilitate a line of political attack. This behaviour deliberately misleads the House and possibly misrepresents the record. Finally, members need to be prepared to authenticate facts stated in questions if the facts stated are challenged, as it goes without saying that misleading facts in a question may also be deliberately misleading and possibly misrepresenting the record.

Record of Proceedings: 23 August 2023, p2267

On 24 October 2023, the Speaker made a statement regarding the use of props. While the Minister for Health, Mental Health and Ambulance Services and Minister for Women was responding to a question without notice, the Member for Glass House rose to a point of order alleging the use of a prop. The Speaker stated there is a difference between reading concurrently, and he would be instructing the Minister to table the document immediately once she had finished reading from it. The Speaker asked the Minister to not hold the document as a prop while reading from it. In response to a further point of order from the Leader of the House, relating to an opposition member holding up a document, the Speaker warned the Member and issued the following general warning: *'Members, it is a general warning to all in the House that props will not be tolerated. I appreciate the nuance between reading from a document and holding it up. Please hold it towards yourself.'*

Record of Proceedings: 24 October 2023, p3102

On 25 October 2023, the Speaker warned an opposition member for holding up a party document and issued a further general warning: *'The Deputy Speaker made a ruling earlier, as I heard, about using props, particularly when you are in camera shot. ... You will no longer be putting the prop up. Members, this applies to members of the government and the opposition as well as crossbenchers. I cannot be any clearer.'*

Record of Proceedings: 25 October 2023, p3234

### **Authentication of facts in a motion**

On 13 September 2023, the Minister for Health, Mental Health and Ambulance Services and Minister for Women moved a motion without notice relating to health workers. The motion had five limbs, and the second of which sought to 'condemn the LNP's plan to slash the pay and conditions of Queensland's hardworking health workers.' This statement was reliant upon a social media extract that had been tabled by the Minister earlier that day, appearing to depict comments made by the Member for Burnett. The Member for Kawana rose to a point of order, asking the Deputy Speaker to have the Minister authenticate the claim in the second limb. The Member for Kawana stated the Leader of the Opposition had held a press conference and the Shadow Minister for Health had issued a statement asserting the Minister's allegation relating to 'the LNP's plan' was misleading and incorrect. The Deputy Speaker delivered a ruling on behalf of the Speaker, stating '[i]t is well established that notices of motion, motions, questions and petitions can be challenged on the basis that facts cannot be authenticated. The document tabled by the minister in the morning session falls



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short of authentication of the fact.’ As no other authentication was offered, the motion was altered by omitting the second limb.

Record of Proceedings: 13 September 2023, pp2647-2659

### Suspension of Sitting in Response to Medical Emergency

On 11 October 2023, Deputy Speaker Martin suspended proceedings in response to a medical emergency that occurred in the Chamber. Deputy Speaker Martin advised the House would resume upon the ringing of the bells.

Record of Proceedings: 11 October 2023, p2940

## 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 July and December 2023, the Ethics Committee reported on four matters of privilege:

- an alleged failure of a member to register an interest in the Register of Members’ Interests (Report No. 215);
- an allegation of wilfully or recklessly disrespecting rulings of the Speaker (Report No. 216);
- an allegation of misconducting oneself in the presence of the House or reflecting on the Chair (Report No. 217);
- an allegation of deliberately misleading the House (Report No. 218); and
- a citizen’s right of reply (Report No. 220).

In its Report No. 216, the Ethics Committee recommended that a finding of contempt be made against the Member for wilfully disobeying an order of the House and disrupting the orderly conduct of the business of the House. Further, the Ethics Committee recommended the Member take it upon themselves, as soon as practicable, to apologise unequivocally to the House and the Speaker, on the floor of the House, for their conduct. If the Member fails to apologise, or makes an inadequate apology, the Ethics Committee recommended that the House suspend the Member from the precincts of the House for one sitting day from the date the Committee’s recommendation is considered by the House. Finally, the Ethics Committee recommended the Committee of the Legislative Assembly consider an amendment to Standing Orders to place beyond doubt the position of the Parliament, consistent with other Westminster parliaments, on the question of revenue bills. On 14 November 2023, the Leader of the House moved a motion noting that, despite the Ethics Committee’s recommendation, the Member had not apologised for her conduct despite nearly two sitting days having elapsed since the report was tabled, and the Member making contributions on other matters in the House during that time. The motion recommended the Member be found in contempt and suspended from the services of the House and the precinct until 9.30am on 16 November 2023. Debate ensued, resulting in a division that was resolved in the affirmative under Standing Order 106(10).

In its Report No. 217, the Ethics Committee recommended that a finding of contempt be made against the Member for misconducting oneself in the presence of the House or a committee and reflecting on the actions or decisions of the Chair. Further, the Ethics Committee recommended the Member take it upon



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himself, as soon as practicable, to apologise unequivocally to the House and the Speaker, on the floor of the House, for their conduct. On 14 November 2023, the Leader of the House moved a motion noting that, despite the Ethics Committee's recommendation, the Member had not apologised for his conduct despite nearly two sitting days having elapsed since the report was tabled, and the Member making contributions on other matters in the House during that time. The motion recommended the matter be referred back to the Ethics Committee for consideration of what action should be taken, given the Member's failure to apologise. Debate ensued, resulting in a division that was resolved in the affirmative under Standing Order 106(10).

## LEGISLATION

### 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.

#### Integrity and Other Legislation Amendment Bill

On 23 August 2023, the Speaker ruled that the same question rule was enlivened by seven clauses in the Integrity and Other Legislation Amendment Bill 2023. The Acting Speaker noted that a motion to suspend Standing Order 87 would be required for these clauses to be considered.

Record of Proceedings: 23 August 2023, pp2267-2268  
**Standing Order 87**

#### Justice and Other Legislation Amendment Bill

On 23 August 2023, the Speaker ruled that the same question rule was enlivened by a number of clauses and schedule 1 of the Justice and Other Legislation Amendment Bill 2023. The Acting Speaker noted that a motion to suspend Standing Order 87 would be required for these clauses to be considered. 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: 23 August 2023, p2268  
12 September 2023, p2497  
**Standing Order 87**

#### Body Corporate and Community Management and Other Legislation Amendment Bill and Property Law Bill

On 12 October 2023, the Speaker considered the application of the same question rule with respect to clause 25 of the Body Corporate and Community Management and Other Legislation Amendment Bill and clause 264 of the Property Law Bill. The difficulty arose as both clauses sought to insert inconsistent versions of a new section 205AAA into the Body Corporate and Community Management Act 1987 without the omission of any existing section. As drafted, these clauses could not stand together. The Speaker advised that an amendment would be required



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to either renumber one of the provisions or omit the first amendment agreed to. If the latter option was chosen, the same question rule would be enlivened and a motion to suspend Standing Order 87 would be required. On 14 November 2023, an amendment was moved during consideration in detail of the Body Corporate and Community Management and Other Legislation Amendment Bill that renumbered the new section to 205AAB.

Record of Proceedings: 12 October 2023, p2987  
14 November 2023, p3445

## QUESTIONS WITHOUT NOTICE

### Facts to be authenticated

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

On 11 October 2023, a member asked the Premier whether, given the history of investigations by the Crime and Corruption Commission into allegations of Labor members of parliament interfering in the appointment of public servants, it was appropriate for the Labor member for Pumicestone to interfere in Queensland Health recruitment processes by requesting job applications be sent through to her office. The Minister for Education rose on a point of order, stating there were imputations in the question. The Speaker asked that the facts of the question be substantiated, resulting in the member tabling a copy of a Facebook post by the member for Pumicestone asking for Queensland Health applications to be sent to her @parliament email address.

Record of Proceedings: 11 October 2023, p2896  
Tabled Paper 5723T1614

On 24 October 2023, a member asked the Premier whether, 'given the Labor government has admitted its cupboard is bare of ideas to fix the youth crime crisis', would the Premier apologise for failing to keep Queenslanders and their families safe. The Leader of the House rose on a point of order, stating she believed the statements made in the question were inaccurate and the member should have to verify the statements. The issue of sub judice was also raised, given the question contained a preamble that mentioned a family from Arana Hills 'had their home invaded and car stolen by an alleged machete-wielding youth'. Once the member had assured the House there was no matter before the courts, they were given the opportunity to rephrase the question. The question remained the same, other than a reference to 'RTI documents, sourced by the opposition' being included as a basis for authentication of facts. The Speaker ruled the question out of order, stating the member was not asking a question but stating what they believed to be a statement of fact, which does require verification because they were making their own opinion and assumption around RTI documents as opposed to explicitly saying what the member was alleging. It did not matter whether the quote used by the member was taken directly from the RTI document, as the Speaker reinforced: *'It is not about whether there is a quote. There is a suggestion that this is a point of fact as opposed to asking the question of the government, so the question is ruled out of order.'*

Record of Proceedings: 24 October 2023, p3100



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On 25 October 2023, a member asked the Premier to advise if she had committed Queensland to the Commonwealth's pledge to UNESCO, which will result in more draconian tree-clearing laws, further sediment and nutrient run-off regulation and commercial fishing wind backs. The member had prefaced their question by declaring the 'Australian government is now beholden to UNESCO' which was "clearly demonstrated in a recently verified letter penned by Minister Tanya Plibersek', which was tabled by the member. A point of order was heard relating to imputations within the question and the need to authenticate the statements that were made. The Speaker ruled imputations were not directed at a person, but rather in relation to a position of policy. With respect to the matter of authentication, the member asserted the letter that had been tabled was verified in the federal parliament during the previous week. The Speaker took advice and concluded there was a significant amount of complexity in the issues raised, and such questions are normally reserved for questions on notice. However, the Speaker allowed the Premier latitude to answer the question.

Record of Proceedings: 25 October 2023, p3199  
Tabled Paper 5723T1741

On 16 November 2023, members asked a series of questions to the Premier and Minister for the Olympic and Paralympic Games and the Minister for Health, Mental Health and Ambulance Services and Minister for Women regarding the government's decision to call satellite hospitals 'hospitals'. The opposition asserted leaked recordings revealed that Queensland Health experts lobbied the government to not call the facilities 'hospitals', and that hundreds of Queenslanders with life-threatening emergencies had mistakenly presented to these facilities because the government told them they were hospitals. When asked to authenticate the recordings, the Leader of the Opposition asserted they had been reported extensively in the media and offered to provide extracts that were received via an RTI request and reported on in the media. This authentication saw the Speaker disagree with challenges to several subsequent questions on the basis of inferences, asserting the main issue was authentication which had been provided.

Record of Proceedings: 16 November 2023, pp 3594, 3596, 3597 and 3600-3601

On 28 November 2023, the member for Mudgeeraba asked the Minister for Health, Mental Health and Ambulance Services and Minister for Women 'exactly how many Gold Coast-based crews were free and available to respond to over half a million people', given the reports of extreme ambulance ramping in the area the previous afternoon. A point of order was heard, asking the member verify the claims in her question. The Speaker ruled the matter did not require verification, noting he would 'ensure that the question can be answered as it does appear to ask for some significant detail, which may not be readily available.'

Record of Proceedings: 28 November 2023, pp 3689

### **Use of 'you' in question without notice**

On 30 November 2023, the Leader of the Opposition asked the following question of the Premier: 'In the last 12 months car theft has increased by 15 per cent and you are three times more likely to have your car stolen in Queensland than in New South Wales. Does the Premier accept responsibility for the crime crisis gripping Queensland?' A point of order was taken, asserting that the pronoun 'you' is not supposed to be used in questions and the Speaker was requested to rule the question out of order. The Speaker denied the request, stating the use



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of 'you' was in context and could be used as long as it was not directed at another member of the parliament.

Record of Proceedings: 30 November 2023, p3896

#### Inferences or imputations in questions

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

On 24 August 2023, a member asked the Premier to explain why a victim of crime had been lured to a meeting under false pretences, and whether the Premier would apologise for this egregious breach of trust. The Acting Speaker took advice and ruled the question out of order for containing an imputation.

Record of Proceedings: 24 August 2023, p2390  
**Standing Order 115**

On 24 August 2023, a member prefaced a question to the Minister for Police and Corrective Services and Minister for Fire and Emergency Premier by stating the Minister is now sourcing two and a half thousand new police recruits from overseas while stating the pandemic has thrown challenges at the police and their recruitment. The member then asked the Minister to explain why, in the face of recruitment difficulties, the Queensland Police Service is continuing to stand down and persecute experienced police officers for choosing not to be COVID vaccinated long after the pandemic has ended. The Acting Speaker ruled the question out of order for containing an imputation.

Record of Proceedings: 24 August 2023, p2392  
**Standing Order 115**

On 12 September 2023, a member asked the Premier whether Queenslanders are living through a youth crime crisis, a health crisis, a housing crisis and cost of living crisis because, as the Premier has admitted, Labor has not yet clicked into first gear after nine years. A point of order was taken, stating the question was loaded with imputations. The Speaker asked the member to rephrase the question, noting there were elements unrelated to the executive function of government. Following a second attempt at the question, the Speaker ruled the question out of order on the basis that it was argumentative.

Record of Proceedings: 12 September 2023, p2501  
**Standing Order 115**

On 12 September 2023, a member asked the Minister for Employment and Small Business, Minister for Training and Skills Development and Minister for Youth Justice whether she had been working to fix the Queensland youth crime crisis or leaking to the media against the Premier. The Speaker ruled the question out of order for containing an imputation.

Record of Proceedings: 12 September 2023, p2503  
**Standing Order 115**

On 10 October 2023, a member asked the Minister for Health, Mental Health and Ambulance Services and Minister for Women whether, in the context of the opposition being informed rape victims are being turned away from hospitals due to a lack of rape kits and trained staff, the Minister would explain how bad the shortage had become under her watch and why she had failed to deliver on her promise that no victim requesting a forensic medical examination would be turned





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away from a hospital. The Speaker determined there were imputations directed at the Minister and asked the member to rephrase the question. Following the modification of the question, the Speaker allowed the Minister to answer but permitted some latitude in her response.

Record of Proceedings: 10 October 2023, p2802  
**Standing Order 115**

On 24 October 2023, a member asked the Premier if the Labor government's cupboard is bare on policies to reduce crime and keep Queenslanders safe, would the Premier adopt another LNP policy and remove detention as a last resort. A point of order was heard, alleging the question included a number of imputations. The Speaker ruled the question contained no imputation, as imputations need to be directed at a member, not a policy.

Record of Proceedings: 24 October 2023, p3096  
**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 public affairs with which the minister is officially connected.

On 12 September 2023, a member asked the Minister for Health, Mental Health and Ambulance Services and Minister for Women whether she had been leaking to the media to get the job she wants rather than fixing the Queensland health crisis, given ambulance ramping has climbed to 45 per cent. The Speaker stated the question was clearly unrelated to the minister's portfolio responsibilities and ruled the question out of order.

Record of Proceedings: 12 September 2023, p2502  
**Standing Order 113**

On 14 November 2023, a member asked the Premier and Minister for the Olympic and Paralympic Games whether she would join the hundreds and thousands of people across Australia who are calling not for a pause or for steps towards a ceasefire but for an immediate ceasefire, in light of the death of 11,000 Palestinians since the siege in Gaza began more than a month earlier. The Speaker ruled the question out of order, asserting the state does not have any jurisdiction over foreign affairs, defence, or other areas covered in the question.

Record of Proceedings: 14 November 2023, p3396  
**Standing Order 113**

### Questions seeking legal opinion

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

On 15 November 2023, a member asked the Minister for Transport and Main Roads and Minister for Digital Services why speed cameras were being positioned in an area where there was 650 metres between a 50 and a 70 kilometre sign to raise revenue when it is illegal under the government's AIM regulations. The Speaker ruled the question out of order for seeking a legal opinion.

Record of Proceedings: 15 November 2023, p3496-3497  
**Standing Order 115**



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#### Question not accurate in terms of the Premier's contribution

On 29 November 2023, the Manager of Opposition Business asked the Minister for Regional Development and Manufacturing and Minister for Water about the location of a desalination plant in South East Queensland. The question noted that the Minister and Deputy Premier, as recently as the previous sitting week, had stated a site for the plant had not been finalised and a business case was being prepared. The question then asserted the Premier had revealed in Question Time that morning 'that the desalination plant will be located in Kawana'. The Premier rose on a point of order, asserting she had said 'likely'. The Speaker stated he did not believe the question as asked was accurate in terms of what he had heard the Premier say and asked if the question could be validated in any other way. The Manager of Opposition Business said he was happy to refer to *Hansard*, however the Speaker asserted he had 'heard it as a "could", not "would" or "should" or "will".' The question was consequently ruled out of order.

On 30 November 2023, following a review of the *Record of Proceedings*, it was found the Premier had said the desalination plant 'will' be located in Kawana, but had corrected herself and said 'likely', which was reiterated in the point of order made in relation to the member's question. The Speaker offered an unreserved apology to the Manager of Opposition Business for his recall of the matters.

Record of Proceedings: 29 November 2023, p3798  
30 November 2023, p3885