

(MR SPEAKER)

SPEAKER'S RULING – ABSENCE OF MESSAGE FROM THE GOVERNOR AS REQUIRED BY SECTION 68 OF THE CONSTITUTION OF QUEENSLAND 2001

MR SPEAKER Honourable members,

The Crocodile Control and Conservation Bill 2024 was introduced by the Member for Hill on 22 May 2024 and referred to the Health, Environment and Agriculture Committee.

I have considered whether the Bill offends section 68 of the *Constitution of Queensland 2001* and Standing Order 174.

Section 68 of the *Constitution of Queensland 2001* provides that the Legislative Assembly must not originate or pass a vote, resolution or Bill for the appropriation of—

- (a) an amount from the consolidated fund; or
 - (b) an amount required to be paid to the consolidated fund;
- that has not first been recommended by a message of the Governor.

I note that, while this Bill is similar to the Safer Waterways Bill 2017 and the Safer Waterways Bill 2018 introduced by the Member for Hill in the 55th and 56th Parliaments, which were ruled as not containing an appropriation, there are some significant differences in this bill.

The 2024 Bill would establish a Crocodile Management Authority consisting of a director and staff. The director is not entitled to receive

any remuneration or benefit except as decided by the Minister. The Bill would also establish an Advisory Committee consisting of at least seven persons including one chairperson appointed by the Minister to give advice and make recommendations to the director. Members of the Advisory Committee are not entitled to be paid remuneration but they are entitled to be paid expenses.

On 14 June 2017 (*Record of Proceedings*, pp1565-1566) Speaker Wellington found that the Safer Waterways Bill 2017 did not require a message because there was no existing appropriation for the purpose of a Crocodile Management Authority and the 2017 bill did not confer any authority to pay an amount from consolidated revenue or extend the objects and purposes or alter the destination of an existing appropriation. Speaker Wellington also found that 'While there would no doubt be cost implications if the establishment of the Authority was implemented, such costs would appear to be incidental to and not caused by the clauses. That is, the clauses of the bill alone do not confer an authority to pay an amount from consolidated revenue, nor do they potentially have the effect of extending the objects or purposes or of altering the destination of an existing appropriation.'

On 2 May 2018 (*Record of Proceedings*, p851) I concurred with Speaker Wellington that, while there would no doubt be cost implications to the Safer Waterways Bill 2018, such costs appeared to be incidental and not caused by the clauses. I ruled that the 2018 bill did not have an

appropriation element and accordingly did not require a message.

The rulings of both Speaker Wellington in 2017 and myself in 2018 were based upon the fact that ‘the clauses of the bill alone do not confer an authority to pay an amount from consolidated revenue, nor do they potentially have the effect of extending the objects or purposes or of altering the destination of an existing appropriation’. However, this Bill is creating a right for members of the Advisory Committee to be paid expenses which can only be drawn from existing appropriations.

Speaker Wellington in a ruling in 2016 developed a three-part test that can be applied to the Bill to determine if it is an appropriation bill. Firstly, does it purport to confer any authority to pay a specific amount from consolidated revenue? Secondly, does it extend the objects and purposes of an existing appropriation? Thirdly, does it alter the destination of an existing appropriation? The answers to the first and second elements are no. None of the clauses purport to appropriate a specific amount of money from the consolidated fund, nor do they extend the objects and purposes of an existing appropriation. However, the answer to the third element of the test is yes, by necessary implication. The rulings of both Speaker Wellington and myself were based upon the fact that ‘the clauses of the bill alone do not confer an authority to pay an amount from consolidated revenue, nor do they potentially have the effect of extending the objects or purposes or of altering the destination of an

existing appropriation'. In this instance, the Bill is creating a right for members of the Advisory Committee to be paid expenses which can only be drawn from existing appropriations.

I rule that the Crocodile Control and Conservation Bill 2024 does contain an appropriation and should not have been introduced without first being recommended by a message of the Governor in accordance with section 68 of the *Constitution of Queensland 2001* and Standing Order 174.

Accordingly, the bill is out of order and will need to be discharged and withdrawn.