

PARLIAMENT OF QUEENSLAND AMENDMENT BILL (No. 2) 2003

EXPLANATORY NOTES

Title of the Bill

Parliament of Queensland Amendment Bill (No. 2) 2003.

Policy Objectives of the Bill

The objective of the Bill is to expand the definition of ‘recognised political party’ in section 112 of the *Parliament of Queensland Act 2001*.

Achieving the Policy Objectives of the Legislation

The Bill has been prepared to amend the definition of ‘recognised political party’ under section 112 of the *Parliament of Queensland Act 2001*. The new definition provides that a ‘recognised political party’ is a registered party that:

- (a) has at least 10 percent of the number of members of the Legislative Assembly; **or**
- (b) has at least three members of the Legislative Assembly **and** received at least 10 percent of the primary vote in the most recent general election.

A further requirement of the definition is that, to be a ‘recognised political party’, the total number of Assembly members who are members of that party must remain at least 90 percent of the total number of Assembly members who were members of that party at the time of the most recent general election.

The provisions of the Bill link the definition of ‘recognised political party’ to democratic principles regarding the number of primary votes a political party receives at a general election and its representation in the Assembly.

It should be noted that, under section 121 of the *Parliament of Queensland Act 2001*, the entitlement of a member who becomes entitled to additional salary as a Leader of a Recognised Political Party commences from the day upon which the appointment to the office is notified to the Speaker or the Assembly.

Consequently, once these amendments commence operation a member who becomes entitled to additional salary under the new section 112 will be required to notify the Speaker or the Assembly of that entitlement in order to become entitled to be paid the additional salary.

Administrative Cost

Future administrative costs to the Government will be minimal.

Consistency with Fundamental Legislative Principles

The Bill is consistent with the fundamental legislative principles set out in the *Legislative Standards Act 1992*.

Consultation

The Crown Solicitor was consulted on the Bill.

NOTES ON CLAUSES

Clause 1 sets out the short title of the Act.

Clause 2 provides that the Act amends the *Parliament of Queensland Act 2001*.

Clause 3 amends section 112 of the *Parliament of Queensland Act 2001*.

The clause renumbers subsection 112(3) as 112(2), and inserts new subsections 112(3)-(7) in place of the old subsection 112(2).

The new subsection 112(3) extends the definition of ‘recognised political party’ to include a registered political party that has at least ten percent of the number of members of the Assembly as specified on section 11 of the

Constitution of Queensland 2001 and rounded up to the nearest whole number. Currently a party would require nine members to qualify as a ‘recognised political party’ under this limb of the definition.

Alternatively, a party that has at least three members of the Assembly and also received at least ten percent of the total number of first preference votes for all candidates at the most recent general election will qualify as a ‘recognised political party’ under the second limb of the definition.

Subsection 112(4) retains the requirement in the old subsection 112(2) that a political party is not a ‘recognised political party’ if a member of that party is a Minister.

The new subsection 112(5) provides that a political party will be a ‘recognised political party’ only as long as the total number of members of the Assembly who are party members remains at least 90 percent of the total number of members of the Assembly who were party members at the time of the general election (rounded up to the nearest whole number). This provision is designed to ensure that if a party’s representation in the Assembly at the time of a general election is subsequently reduced by more than 10 percent, ‘recognised political party’ status will be lost.

The new subsection 112(6) clarifies that ‘recognised political party’ status may be lost by means other than by subsection 112(5) (e.g. by a member being a Minister or deregistration).

The new subsection 112(7) defines terms used in the section.