

Parliament of Queensland and Other Acts Amendment Bill 2012

Explanatory Notes

Short title

The short title of the Bill is the Parliament of Queensland and Other Acts Amendment Bill 2012.

Policy objectives and the reasons for them

The policy objectives of the Bill are to:-

- set formulae to determine the size of the membership of the Parliament's portfolio committees so that they can practically and logistically operate as the political composition between government and non-government members in the Legislative Assembly changes;
- reform the Committee of the Legislative Assembly (CLA) by including the position of Speaker as a member and chairperson of the CLA for all of its areas of responsibility and outlining the circumstances under which the Speaker may exercise a deliberative vote at a meeting of the CLA;
- retitle the positions 'Leader of the House' and 'Parliamentary Secretary' to 'Manager of Government Business' and 'Assistant Minister' respectively; and
- make provision for the Governor in Council to fix by notice published in the *Queensland Government Gazette*, the quantum of additional salary that is payable to the positions of Manager of Government Business, Chief Government Whip and Senior Government Whip above the annual base salary of a Member of the Queensland Legislative Assembly.

The State Election of March 2012 and the subsequent by-election in the electorate of South Brisbane have resulted in a Legislative Assembly consisting of 78 government members and 11 non-government members.

Following the State Election, the Premier received advice from the Clerk of the Parliament (the Clerk) that the practicality of the election result dictated that the number of members and the balance of numbers between government and non-government members on each of the Parliament's portfolio committees should change so that they could logistically operate. The Government accepted the Clerk's advice in this regard.

The Bill includes formulae to determine the size of the membership and composition of government members and non-government members on each portfolio committee dependent upon the composition of the Legislative Assembly at that time.

The formulae also provide for how the committee's chairperson is appointed, and the provisions for quorums and voting at meetings.

In 2011, the Parliament vested the management of the Parliamentary Service with the CLA and the Clerk. The position of Speaker was not included on the CLA when it was considering matters related to this area of responsibility.

The Government believes that the Speaker should be involved with the management of the Parliamentary Service. The Bill provides for the inclusion of the Speaker on the CLA for all of its areas of responsibility, and also provides that the Speaker will be the chairperson of the CLA.

The Speaker will preside over CLA meetings as chairperson in a similar way that the Speaker presides over sittings of the Legislative Assembly.

The Bill provides that the Speaker will have a deliberative vote on a question relating to a matter upon which the Speaker must be consulted under section 6(3) of the *Parliamentary Service Act 1988* (relating to a matter affecting the Speaker), or the committee's area of responsibility under section 84(c) (relating to the Standing Rules and Orders of the Legislative Assembly), but that the Speaker will not have a deliberative vote on any other question.

The Government has decided that the titles 'Manager of Government Business' and 'Assistant Minister' better reflect the roles and functions undertaken by the respective holders of the current positions 'Leader of the House' and 'Parliamentary Secretary'. The Bill retitles these positions as necessary in all relevant legislation.

Section 112 of the Act lists those office holders who are entitled to be paid an additional salary above the base salary of a Member of the Legislative

Assembly. These salaries are outlined in Schedule A of the *Members' Entitlements Handbook*.

The Bill provides that the newly created positions of Manager of Government Business, Chief Government Whip and Senior Government Whip be included in this list as offices to which an additional salary can be paid. The Bill provides that the quantum of the additional salary to be paid will be fixed by Governor in Council by gazette notice.

Achievement of policy objectives

The Bill:-

- sets formulae to determine the size of the membership of the Parliament's portfolio committees so that they can practically and logistically operate as the political composition of the Legislative Assembly changes;
- reforms the CLA by including the position of Speaker as a member and chairperson of the CLA for all of its areas of responsibility and outlining the circumstances under which the Speaker may exercise a deliberative vote at a meeting of the CLA;
- retitles the positions 'Leader of the House' and 'Parliamentary Secretary' to 'Manager of Government Business' and 'Assistant Minister' respectively; and
- makes provision for the Governor in Council to fix by notice published in the *Queensland Government Gazette*, the quantum of additional salary that is payable to the positions of Manager of Government Business, Chief Government Whip and Senior Government Whip above the annual base salary of a Member of the Queensland Legislative Assembly.

The Bill primarily amends the *Constitution of Queensland 2001* and the *Parliament of Queensland Act 2001*. Other consequential amendments will be made to the:

- *Crime and Misconduct Act 2001*;
- *Criminal Code Act 1899*;
- *Information Privacy Act 2009*;
- *Integrity Act 2009*;
- *Ministerial and Other Office Holder Staff Act 2010*;

- Public Interest Disclosure Act 2010;
- Public Records Act 2002; and
- Right to Information Act 2009.

Alternative ways of achieving policy objectives

There is no alternative method of achieving the policy objectives as each objective requires the amendment of existing legislation.

Estimated cost for government implementation

The Bill will result in relatively minor costs given the additional salaries to be provided to certain parliamentary office holders.

These funding matters will be dealt with as part of the 2012-13 Budget process.

Consistency with fundamental legislative principles

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

Consultation

The Clerk of the Parliament has been consulted during the drafting of the Bill.

Consistency with legislation of other jurisdictions

The Bill is specific to the State of Queensland.

Notes on provisions

Part 1 Preliminary

Clause 1 sets out the short title of the Bill.

Part 2 Amendment of Constitution of Queensland 2001

Clause 2 provides that Part 2 of the Bill amends the *Constitution of Queensland 2001*.

Clause 3 amends the Chapter 2, part 4, division 2, heading of the *Constitution of Queensland 2001* by omitting a reference to ‘Parliamentary Secretaries’ and inserting a reference to ‘Assistant Ministers’ in its stead.

Clause 4 amends section 24 of the *Constitution of Queensland 2001* by omitting references to ‘Parliamentary Secretaries’ and ‘a Parliamentary Secretary’ and inserting references to ‘Assistant Ministers’ and ‘an Assistant Minister’ respectively in their stead. The Clause also amends section 24 of the *Constitution of Queensland 2001* to remove any doubt by declaring that an Assistant Minister is not a Minister of the State.

Clause 5 amends section 25 of the *Constitution of Queensland 2001* by omitting references to ‘Parliamentary Secretary’ and ‘A Parliamentary Secretary’ and inserting references to ‘Assistant Minister’ and ‘An Assistant Minister’ respectively in their stead.

Clause 6 amends section 26 of the *Constitution of Queensland 2001* by omitting references to ‘Parliamentary Secretary’s’, ‘a Parliamentary Secretary’, and ‘Parliamentary Secretary’ and inserting references to ‘Assistant Minister’s’, ‘an Assistant Minister’, and ‘Assistant Minister’ respectively in their stead.

Clause 7 inserts a new Chapter 9, Part 1, heading into the *Constitution of Queensland 2001* that provides for certain transitional provisions outlined in Clause 8.

Clause 8 inserts a new Chapter 9, Part 2, into the *Constitution of Queensland 2001* to provide a transitional provision for the *Parliament of Queensland and Other Acts Amendment Act 2012*.

The clause provides for the continuation of Parliamentary Secretaries previously appointed to that position as Assistant Ministers. It also provides that anything done under an Act by a Parliamentary Secretary before the commencement of the *Parliament of Queensland and Other Acts Amendment Act 2012* may, if the context permits, be taken to have been done under an Act by an Assistant Minister. The Clause also provides that a reference in a document to a Parliamentary Secretary may, if the context permits, be taken to be a reference to an Assistant Minister.

Part 3 Amendment of Parliament of Queensland Act 2001

Clause 9 provides that Part 3 of the Bill amends the *Parliament of Queensland Act 2001*.

Clause 10 amends section 65 of the *Parliament of Queensland Act 2001* by omitting a reference to ‘a Parliamentary Secretary’ and inserting a reference to ‘an Assistant Minister’ in its stead.

Clause 11 amends section 81 of the *Parliament of Queensland Act 2001* by omitting a reference to ‘Leader of the House’ and inserting a reference to ‘Manager of Government Business’ in its stead.

The Clause also amends section 81 of the *Parliament of Queensland Act 2001* to provide that the Speaker or alternate is a member of the Committee of the Legislative Assembly.

Clause 12 amends section 82 of the *Parliament of Queensland Act 2001* to provide that the Speaker, rather than the Leader of the House is the chairperson of the Committee of the Legislative Assembly.

Clause 13 amends section 83 of the *Parliament of Queensland Act 2001* to provide for how meetings of the Committee of the Legislative Assembly take place.

The Clause provides that the Manager of Government Business is responsible for calling the meeting and setting the agenda.

The Clause provides that each member of the Committee of the Legislative Assembly, other than the Speaker, has a vote on each question to be decided.

The Clause provides that the Speaker has a deliberative vote on a question if it relates to a matter on which the Speaker must be consulted under section 6(3) of the *Parliamentary Service Act 1988*. This section provides that the Speaker must be consulted by the CLA before deciding a matter affecting the Speaker or the Legislative Assembly chamber.

The Clause provides that the Speaker retains a deliberative vote on a question if it relates to the Committee of the Legislative Assembly's area of responsibility under section 84(c) of the *Parliament of Queensland Act 2001*. This section relates to the *Standing Rules and Orders of the Legislative Assembly*.

The Clause provides that the Speaker does not have a deliberative vote on any other question that comes before the Committee of the Legislative Assembly.

Clause 14 amends the Chapter 5, part 3, division 1, heading by omitting reference to 'and operation'.

Clause 15 omits section 88(2)(c) of the *Parliament of Queensland Act 2001* as the number of members to be appointed to a portfolio committee are to be provided for elsewhere in the *Parliament of Queensland Act 2001* rather than in the *Standing Rules and Orders of the Legislative Assembly*.

Clause 16 omits sections 89 to 91 of the *Parliament of Queensland Act 2001* as the provisions for the membership, the chairperson, and the quorum and voting at meetings of portfolio committees are to be provided elsewhere in the *Parliament of Queensland Act 2001*.

Clause 17 renumbers the Chapter 5, part 3, division 2, heading of the *Parliament of Queensland Act 2001* to division 3, given the amendment outlined in Clause 18.

Clause 18 inserts a new Chapter 5, part 3, division 2, into the *Parliament of Queensland Act 2001*. The new division provides for the membership and operation of portfolio committees according to the numbers of government members and non-government members making up the membership of the Legislative Assembly.

The Clause provides four formulas to determine the membership and operation of portfolio committees dependent upon the percentage of non-government membership of the Legislative Assembly. Each formula provides for the size of membership and the number of government members and non-government members to be nominated by the Manager of Government Business and Leader of the Opposition respectively, together with provision for how the chairperson is appointed. Each formula also provides the quorum and voting provisions to apply at meetings of the portfolio committees.

Clause 19 amends section 103 of the *Parliament of Queensland Act 2001* by omitting a reference to ‘Leader of the House’ and inserting a reference to ‘Manager of Government Business’ in its stead.

Clause 20 amends section 104 of the *Parliament of Queensland Act 2001* by omitting a reference to ‘Leader of the House’ and inserting a reference to ‘Manager of Government Business’ in its stead.

Clause 21 amends section 112 of the *Parliament of Queensland Act 2001* by inserting the offices of ‘Manager of Government Business’, ‘Chief Government Whip’, ‘Senior Government Whip’ and ‘Assistant Minister’ as offices entitled to an additional salary. The Clause also omits references to the offices of ‘Leader of the House’ and ‘Parliamentary Secretary’ as these offices will no longer exist. The clause also makes a minor drafting amendment to clarify that there may be more than one government deputy whip.

Clause 22 amends section 113 of the *Parliament of Queensland Act 2001* by omitting a reference to ‘a Parliamentary Secretary’ and inserting a reference to ‘an Assistant Minister’ in its stead.

Clause 23 amends section 114 of the *Parliament of Queensland Act 2001* by omitting a reference to ‘a Parliamentary Secretary’ and inserting a reference to ‘an Assistant Minister’ in its stead.

Clause 24 amends section 121 of the *Parliament of Queensland Act 2001* by omitting references to ‘a Parliamentary Secretary’ and ‘as Parliamentary Secretary’ and inserting references to ‘an Assistant Minister’ and ‘as Assistant Minister’ respectively in their stead.

Clause 25 inserts a new Chapter 10, part 6 into the *Parliament of Queensland Act 2001* to provide for the payment of additional salary to particular office holders.

The Clause allows for the Manager of Government Business, the Chief Government Whip and the Senior Government Whip to receive an additional salary which will be fixed by the Governor in Council by gazette notice, and provides that the gazette notice has retrospective operation from 30 March 2012 being the date that appointments were made to these offices. Further, any future salary variations will occur through the legislative mechanism as set out in section 115 of the *Parliament of Queensland Act 2001*.

The Clause also allows for the continuation of the payment of an additional salary to Assistant Ministers equivalent to the additional salary that the member was entitled to as a Parliamentary Secretary immediately before the commencement of the *Parliament of Queensland and Other Acts Amendment Act 2012*.

Clause 26 inserts a number of definitions into the Schedule (Dictionary) and omits the definition of Leader of the House as this office no longer exists.

Part 4 Amendment of other Acts

Clause 27 outlines that the schedule in the Bill amends the Acts mentioned in it.

Schedule Consequential amendments

Section 1 of the Schedule omits references to ‘Parliamentary Secretary’ (except in a reference to ‘a Parliamentary Secretary’) and inserts references to ‘Assistant Minister’ in the provisions of the Acts so outlined.

Section 2 of the Schedule omits references to ‘a Parliamentary Secretary’ and inserts references to ‘an Assistant Minister’ in the provisions of the Acts so outlined.

Section 3 of the Schedule omits a reference to ‘A Parliamentary Secretary’ and inserts a reference to ‘An Assistant Minister’ in section 18 of the *Integrity Act 2009*.

Section 4 of the Schedule omits a reference to ‘parliamentary secretary staff member’ and inserts a reference to ‘assistant minister staff member’ in schedule 2 of the *Integrity Act 2009*.

Section 5 of the Schedule omits references to ‘a parliamentary secretary staff member’ and inserts references to ‘an assistant minister staff member’ in the provisions of the *Integrity Act 2009* so outlined.

Section 6 of the Schedule omits references to ‘Parliamentary Secretary’s’ and inserts references to ‘Assistant Minister’s’ in the provision of the *Public Records Act 2002* so outlined.

Section 7 of the Schedule omits references to ‘Leader of the House’ and inserts references to ‘Manager of Government Business’ in the provisions of the *Crime and Misconduct Act 2001* so outlined.