



Queensland

Parliament of Queensland and Other Acts Amendment Bill 2012



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2012

A Bill

for

An Act to amend the *Constitution of Queensland 2001* and the *Parliament of Queensland Act 2001* for particular purposes, and to make consequential amendments of other Acts as stated in the schedule

[s 1]

The Parliament of Queensland enacts— 1

Part 1 Preliminary 2

Clause 1 Short title 3

This Act may be cited as the *Parliament of Queensland and Other Acts Amendment Act 2012*. 4
5

Part 2 Amendment of Constitution of Queensland 2001 6
7

Clause 2 Act amended 8

This part amends the *Constitution of Queensland 2001*. 9

Clause 3 Amendment of ch 2, pt 4, div 2, hdg (Members who are Ministers or Parliamentary Secretaries) 10
11

Chapter 2, part 4, division 2, heading, ‘Parliamentary Secretaries’— 12
13

omit, insert— 14

‘Assistant Ministers’. 15

Clause 4 Amendment of s 24 (Appointment of Parliamentary Secretaries) 16
17

(1) Section 24, ‘Parliamentary Secretaries’— 18

omit, insert— 19

‘Assistant Ministers’. 20

(2) Section 24(2), ‘a Parliamentary Secretary’— 21

omit, insert— 1

‘an Assistant Minister’. 2

(3) Section 24— 3

insert— 4

‘(3) To remove any doubt, it is declared that an Assistant Minister 5

is not a Minister of the State.’. 6

Clause 5 Amendment of s 25 (Functions of Parliamentary Secretary) 7
8

(1) Section 25, heading, ‘Parliamentary Secretary’— 9

omit, insert— 10

‘Assistant Minister’. 11

(2) Section 25, ‘A Parliamentary Secretary’— 12

omit, insert— 13

‘An Assistant Minister’. 14

Clause 6 Amendment of s 26 (Length of Parliamentary Secretary’s appointment) 15
16

(1) Section 26, heading, ‘Parliamentary Secretary’s’— 17

omit, insert— 18

‘Assistant Minister’s’. 19

(2) Section 26(1), ‘a Parliamentary Secretary’— 20

omit, insert— 21

‘an Assistant Minister’. 22

(3) Section 26(2)(b), ‘Parliamentary Secretary’— 23

omit, insert— 24

‘Assistant Minister’. 25

[s 7]

Clause 7	Insertion of new ch 9, pt 1, hdg	1
	Chapter 9, before section 81—	2
	<i>insert—</i>	3
‘Part 1	Transitional provisions for Act	4
	No. 80 of 2001’.	5
Clause 8	Insertion of new ch 9, pt 2	6
	Chapter 9—	7
	<i>insert—</i>	8
‘Part 2	Transitional provision for	9
	Parliament of Queensland and	10
	Other Acts Amendment Act	11
	2012	12
‘94	Continuation of Parliamentary Secretaries as Assistant	13
	Ministers	14
	‘(1) A person who, immediately before the commencement of this	15
	section, was a Parliamentary Secretary continues as an	16
	Assistant Minister.	17
	‘(2) Anything done under an Act by a Parliamentary Secretary	18
	before the commencement of this section may, if the context	19
	permits, be taken to have been done under the Act by an	20
	Assistant Minister.	21
	‘(3) A reference in a document to a Parliamentary Secretary may,	22
	if the context permits, be taken to be a reference to an	23
	Assistant Minister.’.	24

Part 3	Amendment of Parliament of Queensland Act 2001	1 2
Clause 9	Act amended	3
	This part amends the <i>Parliament of Queensland Act 2001</i> .	4
Clause 10	Amendment of s 65 (Meaning of <i>paid public appointment</i> and related appointment)	5 6
	Section 65(3)(a)(ii), ‘a Parliamentary Secretary’—	7
	<i>omit, insert—</i>	8
	‘an Assistant Minister’.	9
Clause 11	Amendment of s 81 (Membership)	10
	(1) Section 81(1)(a), ‘Leader of the House’—	11
	<i>omit, insert—</i>	12
	‘Manager of Government Business’.	13
	(2) Section 81(1)(g)—	14
	<i>omit, insert—</i>	15
	‘(g) the Speaker or alternate.’.	16
Clause 12	Amendment of s 82 (Chairperson)	17
	Section 82, ‘Leader of the House’—	18
	<i>omit, insert—</i>	19
	‘Speaker’.	20
Clause 13	Replacement of s 83 (Quorum and voting at meetings)	21
	Section 83—	22
	<i>omit, insert—</i>	23

[s 14]

‘83	Meetings	1
	‘(1) This section applies to a meeting of the committee.	2
	‘(2) The Manager of Government Business is responsible for calling the meeting and setting the agenda.	3 4
	‘(3) A quorum is 4 members.	5
	‘(4) A question is decided by a majority of the votes of the members present and voting.	6 7
	‘(5) Each member other than the Speaker has a vote on each question to be decided.	8 9
	‘(6) The Speaker has a vote on a question if it relates to—	10
	(a) the committee’s area of responsibility under section 84(c); or	11 12
	(b) a matter on which the Speaker must be consulted under the <i>Parliamentary Service Act 1988</i> , section 6(3).’.	13 14
Clause 14	Amendment of ch 5, pt 3, div 1, hdg (Establishment and operation)	15 16
	Chapter 5, part 3, division 1, heading, ‘and operation’—	17
	<i>omit.</i>	18
Clause 15	Amendment of s 88 (Establishment)	19
	Section 88(2)(c)—	20
	<i>omit.</i>	21
Clause 16	Omission of ss 89–91	22
	Sections 89 to 91—	23
	<i>omit.</i>	24

Clause 17	Renumbering of ch 5, pt 3, div 2	1
	Chapter 5, part 3, division 2—	2
	<i>renumber</i> as division 3.	3
Clause 18	Insertion of new ch 5, pt 3, div 2	4
	Chapter 5, part 3—	5
	<i>insert</i> —	6
‘Division 2	Membership and operation	7
‘89	Explanation	8
	‘This 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 Assembly.	9 10 11 12
‘90	Definitions for div 2	13
	‘In this division—	14
	<i>government member</i> means a member of the Assembly who is a member of a political party recognised in the Assembly as being in government.	15 16 17
	<i>non-government member</i> means a member of the Assembly other than a government member.	18 19
‘91	Membership and operation—less than 15% non-government membership of Assembly	20 21
	‘(1) This section applies to each portfolio committee during a period when the number of non-government members is less than 15% of the number of Assembly members provided for under the <i>Constitution of Queensland 2001</i> , section 11.	22 23 24 25

[s 18]

<i>Note—</i>	1
The <i>Constitution of Queensland 2001</i> , section 11 provides that the Legislative Assembly is to consist of 89 members. So this section applies if there are up to 13 non-government members.	2 3 4
‘(2) The committee comprises 8 members, being—	5
(a) 6 members nominated by the Manager of Government Business; and	6 7
(b) 2 members nominated by the Leader of the Opposition.	8
‘(3) The chairperson is the member of the committee nominated as chairperson by the Manager of Government Business.	9 10
‘(4) A quorum is 5 members including at least 1 non-government member.	11 12
‘(5) A question is decided by a majority of the votes of the members present and voting.	13 14
‘(6) Each member has a vote on each question to be decided.	15
‘(7) If the votes on a question are equal, the question is decided in the negative but may be put again at any time.	16 17
‘91A Membership and operation—at least 15% but less than 25% non-government membership of Assembly	18 19
‘(1) This section applies to each portfolio committee during a period when the number of non-government members is at least 15% but less than 25% of the number of Assembly members provided for under the <i>Constitution of Queensland 2001</i> , section 11.	20 21 22 23 24
<i>Note—</i>	25
The <i>Constitution of Queensland 2001</i> , section 11 provides that the Legislative Assembly is to consist of 89 members. So this section applies if there are 14 to 22 non-government members.	26 27 28
‘(2) The committee comprises 7 members, being—	29
(a) 5 members nominated by the Manager of Government Business; and	30 31
(b) 2 members nominated by the Leader of the Opposition.	32

‘(3)	The chairperson is the member of the committee nominated as chairperson by the Manager of Government Business.	1 2
‘(4)	A quorum is 4 members including at least 1 non-government member.	3 4
‘(5)	A question is decided by a majority of the votes of the members present and voting.	5 6
‘(6)	Each member has a vote on each question to be decided.	7
‘(7)	If the votes on a question are equal, the question is decided in the negative but may be put again at any time.	8 9
‘91B	Membership and operation—at least 25% but less than 50% non-government membership of Assembly	10 11
‘(1)	This section applies to each portfolio committee during a period when the number of non-government members is at least 25% but less than 50% of the number of Assembly members provided for under the <i>Constitution of Queensland 2001</i> , section 11.	12 13 14 15 16
	<i>Note—</i>	17
	The <i>Constitution of Queensland 2001</i> , section 11 provides that the Legislative Assembly is to consist of 89 members. So this section applies if there are 23 to 44 non-government members.	18 19 20
‘(2)	The committee comprises 6 members, being—	21
	(a) 3 members nominated by the Manager of Government Business; and	22 23
	(b) 3 members nominated by the Leader of the Opposition.	24
‘(3)	The chairperson is the member of the committee nominated as chairperson by the Manager of Government Business.	25 26
‘(4)	A quorum is 4 members.	27
‘(5)	A question is decided by a majority of the votes of the members present and voting.	28 29
‘(6)	Each member has a vote on each question to be decided.	30
‘(7)	If the votes on a question are equal, the chairperson has a casting vote.	31 32

[s 19]

‘91C	Membership and operation—at least 50% non-government membership of Assembly	1 2
‘(1)	This section applies to each portfolio committee during a period when the number of non-government members is at least 50% of the number of Assembly members provided for under the <i>Constitution of Queensland 2001</i> , section 11.	3 4 5 6
	<i>Note—</i>	7
	The <i>Constitution of Queensland 2001</i> , section 11 provides that the Legislative Assembly is to consist of 89 members. So this section applies if there are at least 45 non-government members.	8 9 10
‘(2)	The committee comprises 6 members, being—	11
	(a) 3 members nominated by the Manager of Government Business; and	12 13
	(b) 3 members nominated by the Leader of the Opposition.	14
‘(3)	The chairperson is the member of the committee nominated as chairperson by an order of the Assembly.	15 16
‘(4)	A quorum is 4 members.	17
‘(5)	A question is decided by a majority of the votes of the members present and voting.	18 19
‘(6)	Each member has a vote on each question to be decided.	20
‘(7)	If the votes on a question are equal, the question is decided in the negative but may be put again at any time.’.	21 22
Clause 19	Amendment of s 103 (Membership)	23
	Section 103(a), ‘Leader of the House’—	24
	<i>omit, insert—</i>	25
	‘Manager of Government Business’.	26
Clause 20	Amendment of s 104 (Chairperson)	27
	Section 104, ‘Leader of the House’—	28

	<i>omit, insert—</i>	1
	‘Manager of Government Business’.	2
Clause 21	Amendment of s 112 (Additional salary entitlement of some members)	3
	(1) Section 112(1)(a), entry for ‘the Leader of the House’—	4
	<i>omit, insert—</i>	5
	• the Manager of Government Business’.	6
	(2) Section 112(1)(a), entry for ‘the government whip’—	7
	<i>omit, insert—</i>	8
	• the chief government whip	9
	• the senior government whip	10
	• a government deputy whip’.	11
	(3) Section 112(1)(a), entry for ‘the government deputy whip’—	12
	<i>omit.</i>	13
	(4) Section 112(1)(c), ‘Parliamentary Secretary’—	14
	<i>omit, insert—</i>	15
	‘Assistant Minister’.	16
Clause 22	Amendment of s 113 (Adjustment of additional salary)	17
	Section 113(2), ‘a Parliamentary Secretary’—	18
	<i>omit, insert—</i>	19
	‘an Assistant Minister’.	20
Clause 23	Amendment of s 114 (Only 1 additional salary is payable)	21
	Section 114(1)(b), ‘a Parliamentary Secretary’—	22
	<i>omit, insert—</i>	23
	‘an Assistant Minister’.	24
		25

[s 24]

Clause 24	Amendment of s 121 (When additional salary under s 112 is paid)	1 2
(1)	Section 121(2)(d), ‘a Parliamentary Secretary’— <i>omit, insert—</i> ‘an Assistant Minister’.	3 4 5
(2)	Section 121(2)(d), ‘as Parliamentary Secretary’— <i>omit, insert—</i> ‘as Assistant Minister’.	6 7 8
Clause 25	Insertion of new ch 10, pt 6	9
	Chapter 10—	10
	<i>insert—</i>	11
‘Part 6	Parliament of Queensland and Other Acts Amendment Act 2012	12 13 14
‘176	Additional salary of particular office holders	15
‘(1)	Despite section 113(1), the amount of an additional salary of a member who is the Manager of Government Business, chief government whip or senior government whip is the amount fixed by the Governor in Council by gazette notice, as varied under section 115.	16 17 18 19 20
‘(2)	The gazette notice under subsection (1) has retrospective operation to 30 March 2012.	21 22
‘(3)	Until a gazette notice is made under section 113(2) after the commencement of this section, the amount of an additional salary of a member who is an Assistant Minister continues to be the additional salary the member was entitled to, as a Parliamentary Secretary, immediately before the commencement of this section.’.	23 24 25 26 27 28

Schedule	Consequential amendments	1
	section 27	2
1	Amendments for references to ‘Parliamentary Secretary’	3
(1)	This section applies to each of the following provisions—	4
(a)	the Criminal Code—	5
	• section 89(2)(b)	6
(b)	the <i>Integrity Act 2009</i> —	7
	• section 12(1)(h)	8
	• section 18, heading	9
	• section 18(b)	10
	• section 31, heading	11
	• section 31(a) and (b)	12
	• schedule 2, definitions <i>Parliamentary Secretary</i> and <i>responsible person</i>	13 14
(c)	the <i>Ministerial and Other Office Holder Staff Act 2010</i> —	15 16
	• schedule, definition <i>Parliamentary Secretary</i>	17
(d)	the <i>Public Interest Disclosure Act 2010</i> —	18
	• section 7(2)(d)	19
	• section 7(3), definition <i>Parliamentary Secretary</i>	20
(e)	the <i>Public Records Act 2002</i> —	21
	• section 6(1)(a) and (b)	22
	• schedule 2, definitions <i>Parliamentary Secretary</i> and <i>record of a Parliamentary Secretary</i> .	23 24
(2)	The provision is amended by omitting ‘Parliamentary Secretary’ (except in a reference to ‘a Parliamentary Secretary’) and inserting ‘Assistant Minister’.	25 26 27

2	Amendments for references to ‘a Parliamentary Secretary’	1 2
(1)	This section applies to each of the following provisions—	3
(a)	the Criminal Code—	4
	• section 89(2)(b)	5
(b)	the <i>Information Privacy Act 2009</i> —	6
	• section 43(1), note 1	7
	• section 44(1), note 1	8
	• schedule 5, definition <i>Minister</i>	9
(c)	the <i>Integrity Act 2009</i> —	10
	• section 12(1)(g)	11
	• section 31	12
	• section 44(b)	13
	• section 45(1)(a)(ii)	14
	• schedule 2, definitions <i>ministerial staff member</i> , <i>Parliamentary Secretary</i> , <i>parliamentary secretary</i> <i>staff member</i> and <i>responsible person</i>	15 16 17
(d)	the <i>Ministerial and Other Office Holder Staff Act 2010</i> —	18 19
	• schedule, definitions <i>Minister</i> and <i>Parliamentary Secretary</i>	20 21
(e)	the <i>Public Interest Disclosure Act 2010</i> —	22
	• section 7(2)(d)	23
	• section 7(3), definition <i>Parliamentary Secretary</i>	24
(f)	the <i>Public Records Act 2002</i> —	25
	• section 6(1)(d)	26
	• section 16(1)(c)	27
	• schedule 2, definitions <i>Parliamentary Secretary</i> , <i>public authority</i> and <i>record of a Parliamentary Secretary</i>	28 29 30

Schedule

	(g) the <i>Right to Information Act 2009</i> —	1
	• section 13, note	2
	• section 24(1), note 1	3
	• schedule 6, definition <i>Minister</i> .	4
	(2) The provision is amended by omitting ‘a Parliamentary Secretary’ and inserting ‘an Assistant Minister’.	5 6
3	Amendments for reference to ‘A Parliamentary Secretary’	7
	(1) This section applies to the <i>Integrity Act 2009</i> , section 18.	8
	(2) The provision is amended by omitting ‘A Parliamentary Secretary’ and inserting ‘An Assistant Minister’.	9 10
4	Amendments for reference to ‘parliamentary secretary staff member’	11 12
	(1) This section applies to the <i>Integrity Act 2009</i> , schedule 2, definition <i>parliamentary secretary staff member</i> .	13 14
	(2) The provision is amended by omitting ‘parliamentary secretary staff member’ and inserting ‘assistant minister staff member’.	15 16 17
5	Amendments for references to ‘a parliamentary secretary staff member’	18 19
	(1) This section applies to each of the following provisions of the <i>Integrity Act 2009</i> —	20 21
	• section 12(1)(g)	22
	• section 44(f)	23
	• section 45(1)(a)(vi)	24
	• schedule 2, definition <i>responsible person</i> .	25
	(2) The provision is amended by omitting ‘a parliamentary secretary staff member’ and inserting ‘an assistant minister staff member’.	26 27 28

6	Amendments for references to ‘Parliamentary Secretary’s’	1 2
(1)	This section applies to the <i>Public Records Act 2002</i> , schedule 2, definition <i>record of a Parliamentary Secretary</i> .	3 4
(2)	The provision is amended by omitting ‘Parliamentary Secretary’s’ and inserting ‘Assistant Minister’s’.	5 6
7	Amendments for references to ‘Leader of the House’	7
(1)	This section applies to each of the following provisions of the <i>Crime and Misconduct Act 2001</i> —	8 9
	• section 300(1)(a) and (2)	10
	• schedule 2, definition <i>Leader of the House</i> .	11
(2)	The provision is amended by omitting ‘Leader of the House’ and inserting ‘Manager of Government Business’.	12 13