

Queensland



ANNO QUARTO DECIMO

ELIZABETHAE SECUNDAE REGINAE

No. 65 of 1965

An Act to Amend the Constitution of Queensland by further Amending "The Constitution Act Amendment Act of 1896," and "The Officials in Parliament Acts, 1896 to 1964," each in certain particulars

[ASSENTED TO 23RD DECEMBER, 1965]

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:—

PART I—PRELIMINARY

1. (1) **Short title.** This Act may be cited as "*The Constitution Acts Amendment Act of 1965.*"

(2) **Collective title.** "*The Constitution Acts, 1867 to 1964,*" and this Act may be collectively cited as "*The Constitution Acts, 1867 to 1965.*"

(3) **Commencement of this Act.** This Act shall be deemed to have come into force on the first day of December, one thousand nine hundred and sixty-five and shall have retrospective operation and effect accordingly.

2. **Application of Act.** Parts II and III of this Act apply as well to members of the present Legislative Assembly as to the members of every Legislative Assembly hereafter to be summoned and chosen.

3. **Parts of Act.** This Act is divided into Parts, as follows:—

PART I—PRELIMINARY;

PART II—AMENDMENTS OF “THE CONSTITUTION ACT AMENDMENT ACT OF 1896”;

PART III—AMENDMENTS OF “THE OFFICIALS IN PARLIAMENT ACTS, 1896 TO 1964”;

PART IV—GENERAL.

PART II—AMENDMENTS OF “THE CONSTITUTION ACT AMENDMENT ACT OF 1896”

4. **Interpretation of Part II.** This Part II of this Act shall be read as one with “*The Constitution Act Amendment Act of 1896*,” as heretofore amended by “*The Statute Law Revision Act of 1908*,” “*The Constitution Act Amendment Act of 1909*,” “*The Constitution Act Amendment Act of 1919, No. 2*,” “*The Constitution Act Amendment Act of 1922*,” “*The Constitution Act Amendment Act of 1926*,” “*The Constitution Act Amendment Act of 1929*,” “*The Constitution Act Amendment Act of 1936*,” “*The Constitution Act Amendment Act of 1944*,” “*The Constitution Acts Amendment Act of 1948*,” “*The Constitution Acts Amendment Act of 1949*,” “*The Constitution Acts Amendment Act of 1950*,” “*The Constitution Acts Amendment Act of 1953*,” “*The Constitution Acts Amendment Act of 1957*,” “*The Constitution Acts Amendment Act of 1961*” and “*The Constitution Acts Amendment Act of 1964*.”

5. **Amendments of 60 Vic. No. 5.** “*The Constitution Act Amendment Act of 1896*,” as heretofore amended as aforesaid, is further amended by—

(a) In subsection (1) of section three omitting paragraphs (a), (b) and (c) and inserting in their stead the following paragraphs:—

“(a) The Speaker of the Legislative Assembly a salary at the rate of one thousand two hundred and fifty pounds per annum;

(b) The Chairman of Committees of the Legislative Assembly a salary at the rate of four hundred pounds per annum;

(c) The Leader of the Opposition in the Legislative Assembly a salary at the rate of one thousand four hundred pounds per annum.”

(b) In section four, omitting the words “two thousand six hundred and fifty pounds per annum” and inserting in their stead the words “three thousand three hundred and fifty pounds per annum”.

PART III—AMENDMENTS OF “THE OFFICIALS IN PARLIAMENT ACTS, 1896 TO 1964”

6. (1) **Interpretation of Part III.** This Part III of this Act shall be read as one with “*The Officials in Parliament Acts, 1896 to 1964*.”

(2) **Collective title.** “*The Officials in Parliament Acts, 1896 to 1964*,” and this Part III of this Act may be collectively cited as “*The Officials in Parliament Acts, 1896 to 1965*.”

7. **Amendments of s. 6 of 60 Vic. No. 3.** Section six of “*The Officials in Parliament Acts, 1896 to 1964*,” is amended by in subsection (2)—

(a) omitting the words “two thousand seven hundred and fifty”, where appearing in paragraph (a), and inserting in their stead the words “three thousand six hundred and fifty”;

(b) omitting the words "one thousand eight hundred", where appearing in paragraph (b), and inserting in their stead the words "two thousand six hundred and fifty"; and

(c) omitting the words "one thousand three hundred and fifty", where appearing in paragraph (c), and inserting in their stead the words "two thousand one hundred and fifty".

PART IV—GENERAL

8. Future adjustments of salaries. (1) This section applies to the Thirty-eighth Parliament and every Parliament thereafter.

(2) Each Parliament shall in its final Session further amend the Acts which this Act amends as necessary to comply with the requirements of this section.

(3) By the amendments referred to in subsection (2) of this section Parliament shall increase or, as the case requires, decrease the amount of the annual rate for the time being of the salary payable to a member of the Legislative Assembly, or (in the case of such a member to whom additional salary is payable) the aggregate of the annual rates for the time being of the salary and additional salary payable to him, in accordance with the variation which has occurred during the intervening period in the index published by the Bureau of Census and Statistics for Average Minimum Weekly Wage Rates for Adult Males in Queensland.

(4) For the purposes of subsection (3) of this section—

(a) "additional salary" means the additional salary referred to in subsection (1) of section three of "*The Constitution Act Amendment Act of 1896*" or, as the case may be, section six of "*The Officials in Parliament Acts, 1896 to 1965*";

(b) "intervening period" means,—

(i) in relation to the Thirty-eighth Parliament, the period intervening between the first day of December, one thousand nine hundred and sixty-five and the date when that Parliament makes the amendments specified in subsection (2) of this section; and

(ii) in relation to the Thirty-ninth Parliament or any subsequent Parliament, the period intervening between the dates when the amendments specified in subsection (2) of this section were made by the next preceding Parliament and that Parliament respectively.

9. Election by members. (1) Parts II and III of this Act apply subject to this section.

(2) A member of the present Legislative Assembly or of any Legislative Assembly to be hereafter summoned and chosen may elect to take none or to take part only of the increase made by this Act in the annual rate of the salary payable under section four of "*The Constitution Act Amendment Act of 1896*," and may so elect without limit of time or for a specified period.

(3) Such an election shall be made by notice in writing given to the Under Treasurer—

(a) in the case of a member of the present Legislative Assembly, within fourteen days after the date of the passing of this Act; or

- (b) in the case of a member of any Legislative Assembly to be hereafter summoned and chosen, within fourteen days after the return of the writ for his election as such member.
- (4) A member who has given notice as prescribed by subsection (3) of this section shall be taken to have elected—
- (a) to take none of the said increase, unless the notice states that he elects to take part only of the said increase and specifies the amount of such part;
- (b) without limit of time unless the notice specifies a period of time, and his election shall have force and effect accordingly and shall not be prejudiced or affected by re-election as a member.
- (5) In the case of an election for a limited period, the member concerned may, not later than fourteen days after the expiration of such period, again elect as prescribed by this section and, in so doing, is not bound by any prior election made by him under this section.
- (6) As well as electing in respect of the increase made by this Act in the annual rate of the salary payable under section four of "*The Constitution Act Amendment Act of 1896*," a member of the present Legislative Assembly or of any Legislative Assembly hereafter to be summoned and chosen to whom additional salary is payable by reason of the provisions of subsection (1) of section three of "*The Constitution Act Amendment Act of 1896*," or of section six of "*The Officials in Parliament Acts, 1896 to 1965*," may elect under this section in respect of the increase in the annual rate of that additional salary made by this Act.