



Queensland

Constitution (Fixed Term Parliament) Amendment Act 2015

Act No. 15 of 2016



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Constitution (Fixed Term Parliament) Amendment Act 2015

Act No. 15 of 2016

**An Act to provide for fixed four-year terms for the Legislative Assembly in
Queensland**

[Assented to 5 May 2016]

[s 1]

The Parliament of Queensland with the consent of the electors of Queensland enacts—

Part 1 Preliminary

1 Short title

This Act may be cited as the *Constitution (Fixed Term Parliament) Amendment Act 2015*.

1A Commencement

- (1) This Act commences on the date of the instrument by which the Governor summons the Legislative Assembly after the next general election.
- (2) In this section—
next general election means the first election for the members of the Legislative Assembly held after the date of assent of this Act.

Part 2 Amendment of Constitution of Queensland 2001

2 Act amended

This part amends the *Constitution of Queensland 2001*.

2A Amendment of s 3 (Object)

- (1) Section 3, note, ‘*Constitution Act Amendment Act 1890*, section 2’—

omit.

- (2) Section 3, note, ‘sections 3 and 4’—

omit, insert—

section 3

3 Amendment of s 15 (Summoning, proroguing and dissolving the Legislative Assembly)

- (1) Section 15(2), ‘or dissolve’—

omit.

- (2) Section 15—

insert—

- (3) The Governor may dissolve the Legislative Assembly, by proclamation or otherwise, under part 2A.

4 Omission of s 16 (Duration of Legislative Assembly)

Section 16—

omit.

5 Amendment of s 17 (Continuation of Legislative Assembly despite end of Sovereign’s reign)

Section 17, ‘under section 15(2)’—

omit, insert—

by the Governor

6 Insertion of new ch 2, pt 2A

After section 19—

insert—

Part 2A Duration of the Legislative Assembly

19A Definitions for this part

In this part—

Assembly means the Legislative Assembly.

extraordinary general election means a general election held after the dissolution of the Assembly—

- (a) under section 19E; or
- (b) following an exercise of the Governor's reserve powers under established constitutional conventions.

general election means an election for the members of the Assembly.

Leader of the Opposition means the member recognised in the Assembly as the Leader of the Opposition.

normal dissolution day see section 19C(1).

normal polling day see section 19B(1).

ordinary general election means a general election other than an extraordinary general election.

postponed polling day see section 19B(3).

19B Polling day for ordinary general election

- (1) The *normal polling day* for an ordinary general election is the last Saturday in October in the following year—
 - (a) if the last general election was an ordinary general election—the fourth calendar year

-
- after the calendar year in which the last general election was held;
- (b) if the last general election was an extraordinary general election—the third calendar year after the calendar year in which the last general election was held.
- (2) Each ordinary general election must be held on the normal polling day unless the Governor orders a postponement under subsection (3).
- (3) The Governor may at any time, by proclamation, order the polling day for an ordinary general election to be postponed to a Saturday not more than 35 days after the normal polling day (the *postponed polling day*) if—
- (a) there are exceptional circumstances; and
- Examples of exceptional circumstances—*
- 1 An election for members of the House of Representatives or the Senate of the Commonwealth Parliament is to be held on the normal polling day.
 - 2 A natural disaster has affected such a wide area of the State that the conduct of an election on the normal polling day would be impracticable.
- (b) the Premier recommends, and the Leader of the Opposition agrees to, the postponement.
- (4) For the purpose of deciding the postponed polling day under subsection (3), the stated number of days includes—
- (a) the normal polling day; and
- (b) the postponed polling day itself.
- (5) Subsection (3) does not affect the operation of any provision of another Act about adjourning a poll at a place because of an emergency.

19C Normal dissolution day

- (1) The day that is 26 days before the normal polling day is the *normal dissolution day*.
- (2) On the normal dissolution day, the Governor must dissolve the Assembly and issue a writ for a general election.
- (3) Subsection (2) applies unless the Governor has already dissolved the Assembly under this part or has postponed dissolution under section 19D.
- (4) For the purpose of deciding the normal dissolution day under subsection (1), the stated number of days includes—
 - (a) the normal polling day; and
 - (b) the normal dissolution day itself.

19D Postponed dissolution

- (1) The Governor may, by proclamation, postpone the dissolution of the Assembly and the issue of a writ for a general election if—
 - (a) the Governor has ordered the postponement of the polling day under section 19B(3); and
 - (b) the Premier recommends, and the Leader of the Opposition agrees to, the postponement.
- (2) The dissolution may not be postponed to a day later than—
 - (a) the day that is 26 days before the postponed polling day; or
 - (b) the day on which the Assembly would expire under section 19H.
- (3) The proclamation must state—
 - (a) the day to which the dissolution has been postponed; and

- (b) that the Assembly is dissolved on that day.
- (4) On the day the Assembly is dissolved, the Governor must issue a writ for a general election.

19E Extraordinary dissolution

- (1) The Governor may dissolve the Assembly and issue a writ for a general election if, before the normal dissolution day—
 - (a) each of the following happens—
 - (i) a no confidence motion is passed, or a confidence motion is defeated, in the Assembly;
 - (ii) a confidence motion is not passed in the Assembly within 8 days after the passage or defeat of the motion mentioned in subparagraph (i);
 - (iii) the Governor considers no government can be formed that will command the confidence of a majority of the Assembly; or
 - (b) the Assembly rejects a Bill for an ordinary annual appropriation Act; or
 - (c) the Assembly fails to pass a Bill for an ordinary annual appropriation Act before the day notified by the Governor, by a message given to the Assembly, that the appropriation is required.
- (2) In this section—

confidence motion means a motion in the form ‘That this House has confidence in the government’.

no confidence motion means a motion in the form ‘That this House has no confidence in the government’.

[s 6]

ordinary annual appropriation Act means an Act that appropriates an amount from the consolidated fund for departments of government for a financial year.

19F Writ for extraordinary general election

- (1) A writ for an extraordinary general election must state the polling day for the election.
- (2) The stated polling day must be a Saturday not less than 26 days and not more than 40 days after the day of the issue of the writ.
- (3) For the purpose of deciding the polling day under subsection (2), the stated number of days includes—
 - (a) the day of issue of the writ; and
 - (b) the polling day itself.

19G Reserve powers not affected

This part does not affect the exercise of the Governor's reserve powers under established constitutional conventions.

19H Expiry of Assembly

- (1) The Assembly expires on the day that is 4 years from the day the writ for the general election was returned for the Assembly if the Governor has not already dissolved the Assembly under this part.
- (2) If the Assembly expires, the Governor must immediately issue a writ for a general election.

19I Special procedure for amending or repealing this part

- (1) This section applies in relation to a Bill for an Act amending or repealing a provision of this part (including this section).
- (2) The Bill may be presented to the Governor for assent only if the Bill—
 - (a) has first been passed by the Assembly; and
 - (b) has then been approved by a majority of electors who vote at a referendum—
 - (i) held on a Saturday at least 2 months after the Bill is passed by the Assembly; and
 - (ii) otherwise held in the way prescribed by an Act.
- (3) The Bill has no effect as an Act if assented to after presentation in contravention of subsection (2).

7 Insertion of new ch 9, pt 3

After section 94—

insert—

**Part 3 Transitional provision
for Constitution (Fixed
Term Parliament)
Amendment Act 2015**

94A Last general election

For the purposes of chapter 2, part 2A, the last general election held before the commencement of that part is taken to have been an extraordinary general election.

[s 8]

8 Omission of attachment 2

Attachment 2—

omit.

**Part 3 Amendment of Constitution Act
Amendment Act 1934**

9 Act amended

This part amends the *Constitution Act Amendment Act 1934*.

9A Amendment of preamble

Preamble, from ‘And whereas, pursuant to an Act’—

omit.

10 Omission of s 4 (Duration of Legislative Assembly not to be extended except in accordance with this section)

Section 4—

omit.

Part 4 Repeal

11 Repeal

The Constitution Act Amendment Act 1890 54 Vic No. 3 is repealed.