

CONSTITUTION (PARLIAMENTARY SECRETARIES) AMENDMENT BILL 1996

EXPLANATORY NOTES

Short Title of the Bill

Constitution (Parliamentary Secretaries) Amendment Bill 1996.

Objectives of the Bill

The objectives of the bill are to provide for the appointment, functions, duration, remuneration and reimbursement of expenses of Parliamentary Secretaries.

Reasons for the objectives and how they will be achieved

On 20 February 1996 the Legislative Assembly passed a resolution supporting the appointment of Parliamentary Secretaries. Subsequent to the resolution, Members for Burdekin, Moggill and Mulgrave were appointed by the Governor in Council as Parliamentary Secretaries. Prior to making these appointments legal advice was obtained from the Solicitor-General.

All other Australian States have Parliamentary Secretaries and in most of these jurisdictions there is legislation codifying the practice.

The current wording of the relevant Queensland legislation is ambiguous and restrictive.

The purpose of the Bill then is to legislatively clarify the situation of Parliamentary Secretaries in Queensland and remove any areas of uncertainty.

Administrative Cost

There will be an additional cost for the salaries and reasonable expenses of office of the Parliamentary Secretaries.

Fundamental legislative principles

The Bill is consistent with fundamental legislative principles.

Consultation

Consultation occurred with the Solicitor-General, Acting Crown Solicitor and the three Parliamentary Secretaries.

Notes on Clauses**Part 1—PRELIMINARY**

Clause 1 Sets out the short title of the Bill.

Part 2—AMENDMENT OF CONSTITUTION ACT 1867

Clause 2 Provides for the amendment of the *Constitution Act 1867* by the part and by schedule 1.

Clause 3 inserts new sections 57, 58, 59 and 60. Proposed section 57 deals with the appointment of Parliamentary Secretaries. It provides that the Governor in Council may appoint members of the Legislative Assembly as Parliamentary Secretaries and that a Minister or member of the Executive Council may not be appointed as a Parliamentary Secretary.

Proposed section 58 deals with the functions of a Parliamentary Secretary. It provides that a Parliamentary Secretary has the functions decided by the Premier.

Proposed section 59 deals with the duration of appointment as a Parliamentary Secretary. It provides that the appointment as a Parliamentary Secretary ends on the polling day of the next election conducted of the members of the Legislative Assembly. However, the appointment ends before polling day if:

- the member's seat becomes vacant

- the member resigns as Parliamentary Secretary
- the member is appointed as a Minister or member of the Executive Council, or
- the appointment is ended by the Premier.

Proposed section 60 deals with the reimbursement of a Parliamentary Secretary's reasonable expenses of office. It provides that the consolidated fund is appropriated for the reimbursement of the Parliamentary Secretary's reasonable expenses of office.

Part 3—AMENDMENT OF LEGISLATIVE ASSEMBLY ACT 1867

Clause 4 Provides for the amendment of the *Legislative Assembly Act 1867* by the part and schedule 2.

Clause 5 This clause revises section 7B(3)(c) by including the performance of functions as a Parliamentary Secretary as excluding the application of section 7B(1). Section 7B(1) deals with a member of the Assembly who in any capacity transacts any business or performs any duty or service for the Crown or a Crown instrumentality or a body representing the Crown.

Part 4—AMENDMENT OF OFFICIALS IN PARLIAMENT ACT 1896

Clause 6 Provides for the amendment of the *Officials in Parliament Act 1896* by the part and schedule 3.

Clause 7 inserts new section 6. The new section provides that a Parliamentary Secretary is not an officer of the Crown liable to retire on political grounds and is not an office of profit under the Crown for the purposes of the *Officials in Parliament Act 1896* or for any other Acts and laws.

Part 5—AMENDMENT OF PARLIAMENTARY CONTRIBUTORY SUPERANNUATION ACT 1970

Clause 8 Provides for the amendment of the *Parliamentary Contributory Superannuation Act 1970*.

Clause 9 This clause revises section 5 by amending the definition of “basic salary” and “salary”. “Basic salary” under revised section 5 means the salary payable to every member. “Salary” under revised section 5 means the member’s basic salary and any additional salary payable to the member as the holder of an office in the Assembly or as a Minister or Parliamentary Secretary.

Part 6—AMENDMENT OF PARLIAMENTARY MEMBERS’ SALARIES ACT 1988

Clause 10 Provides for the amendment of the *Parliamentary Members’ Salaries Act 1988* by the part.

Clause 11 This clause is consequential on the creation of Parliamentary Secretaries. It revises the title of the Act to more accurately describe the purpose of the Act.

Clause 12 This clause amends section 7(1)(c) by omitting the words “the Minister” and replacing them with the words “a Minister”

Clause 13 This clause inserts new Parts 5 and 6. The existing Part 5 provides that the Governor in Council may make regulations under this Act. Under the replacement the existing Part 5 becomes new Part 6 of the Act.

Replacement Part 5 inserts new sections 10 and 11. Section 10 deals with the additional salary payable to a Parliamentary Secretary.

Section 11 provides that a Parliamentary Secretary cannot receive a salary under both sections 5 and 10, but under only one of the sections.

Schedule 1 sets out minor amendments to the *Constitution Act 1867*.

Schedule 2 sets out minor amendments to the *Legislative Assembly Act 1867*.

Schedule 3 sets out minor amendments to the *Officials in Parliament Act 1896*.