

PARLIAMENT OF QUEENSLAND BILL 2001

EXPLANATORY NOTES

Title of the Bill

Parliament of Queensland Bill 2001

Policy Objectives of the Bill

The Parliament of Queensland Bill 2001 largely consolidates the law relating to the Legislative Assembly of Queensland, its powers, procedures, members and committees.

The most fundamental provisions relating to the establishment of the Parliament of Queensland and the Legislative Assembly are contained in Queensland's Constitution; that is, the proposed Constitution of Queensland 2001, the *Constitution Act 1867*, the *Constitution Act Amendment Act 1890* and the *Constitution Act Amendment Act 1934*.

The Parliament of Queensland Bill 2001 has been developed as a companion Bill to the Constitution of Queensland 2001 to consolidate the laws incidental to the operation of the Legislative Assembly into one Act.

The primary objective of the Constitution of Queensland 2001 is to enhance public access to, and understanding of, Queensland's Constitution by:

- consolidating, as far as is practicable, Queensland's constitutional provisions into one Act; and
- modernising the drafting style of Queensland's constitutional provisions so that they might be more easily read and understood.

It has been necessary to progress the Parliament of Queensland Bill 2001 concurrently with the consolidation of the Queensland Constitution because the existing laws relating to the Legislative Assembly are inextricably linked to Queensland's constitutional laws and are also scattered across the Statute Book.

Consolidation of Queensland's constitutional and parliamentary laws has been the source of ongoing examination for over eight years by various independent commissions and parliamentary committees and, more recently, by the Government.

The Government acknowledges and commends the important contribution made to the development of this Bill and the Constitution of Queensland 2001 by the Electoral and Administrative Review Commission (1993), the Parliamentary Committee for Electoral and Administrative Review (1993-1994), the Parliamentary Legal, Constitutional and Administrative Review Committee (1996-2001) and the Queensland Constitutional Review Commission (1999-2000).

Significantly, the Constitution of Queensland 2001 and the Parliament of Queensland Bill 2001 are, to a large extent, based on the Bills recommended by the Legal, Constitutional and Administrative Review Committee in its *Consolidation of the Queensland Constitution: Final Report* (report no. 13, April 1999) and *Review of the Queensland Constitutional Review Commission's recommendations relating to a consolidation of the Queensland Constitution* (report no. 24, July 2000).

Achieving the Policy Objectives of the Legislation

The consolidation of the Queensland Constitution has been largely achieved by re-enacting, in modern language, the majority of the constitutional provisions contained in the following Acts in the Constitution of Queensland 2001, with the provisions that are incidental to the operation of the Legislative Assembly being consolidated into the Parliament of Queensland Bill 2001:

- *Constitution Act 1867*;
- *Legislative Assembly Act 1867*;
- *Constitution Act Amendment Act 1890*;
- *Constitution Act Amendment Act 1896*;
- *Officials in Parliament Act 1896*;
- *Demise of the Crown Act 1910*;
- *Constitution Act Amendment Act 1922*;
- *Constitution Act Amendment Act 1934*;
- *Royal Powers Act 1953*;

- *Constitution (Office of Governor) Act 1987;*
- *Parliamentary Members' Salaries Act 1988;*
- *Parliamentary Papers Act 1992;* and
- *Parliamentary Committees Act 1995.*

Provisions of a constitutional or parliamentary nature from the following Acts have also been relocated into the Constitution of Queensland 2001 and the Parliament of Queensland Bill 2001:

- *Oaths Act 1867;*
- *Acts Interpretation Act 1954;*
- *District Court Act 1967;*
- *Supreme Court of Queensland Act 1991;*
- *Electoral Act 1992;*
- *Local Government Act 1993;* and
- *Supreme Court Act 1995.*

References to Provisions Consolidated

These notes explain each clause of the Parliament of Queensland Bill 2001, the clause's origins in existing law and any major changes that have been made in rewording the existing provision(s) which the clause represents. The notes also highlight proposed changes to the existing law that might be regarded as substantial in nature.

At the beginning of the notes to most parts of the Bill is a list of the provisions of the existing law that are being consolidated by the corresponding part of the Bill. The references to the existing law are included as a guide only to the origins of the provisions of the Parliament of Queensland Bill 2001.

Administrative Cost

The Bill, together with the Constitution of Queensland 2001, largely re-enacts, with little substantive change, the existing law relating to Queensland's constitutional and parliamentary arrangements. As a consequence, the processes and procedures of the Parliament and the Executive Government will be largely unchanged. The greatest administrative cost to the Government from the enactment of the Bills will

be updating references in documentation to reflect the Constitution of Queensland 2001 and the Parliament of Queensland Bill 2001 and this cost will be met within existing budgetary allocations.

Consistency with Fundamental Legislative Principles

The Bill is consistent with the fundamental legislative principles defined in section 4 of the *Legislative Standards Act 1992*. Section 4 requires that legislation has sufficient regard to:

- (a) rights and liberties of individuals; and
- (b) the institution of Parliament.

The Bill has sufficient regard to the institution of Parliament as it consolidates, in modern drafting style, the laws incidental to the operation of the Parliament, including the procedures and the powers, rights and immunities of the Legislative Assembly, its members and committees.

Clause 8 codifies in Queensland article 9 of the Bill of Rights 1688 (Imp) which enshrines the most important provision relating to parliamentary privilege—freedom of speech and debates in the Parliament. The article (and now clause 8) provides that speeches, debates or other proceedings in the Parliament cannot be impeached or questioned in any court or place out of Parliament.

Clause 39 of the Parliament of Queensland Bill 2001 enhances the institution of Parliament by clarifying the Assembly's power to deal with contempt of the Assembly.

The Parliament of Queensland Bill 2001 also has sufficient regard to the rights and liberties of individuals. The Bill preserves the existing coercive powers vested in the Assembly and its committees to order people to appear before the Assembly or a committee or to produce a document or other thing to the Assembly or a committee. However, a person who is ordered to appear before the Assembly or a committee is entitled to object to answering questions or producing a document or other thing on the following grounds:

- that the answer, document or other thing is of a private nature and does not affect the subject of the inquiry; or
- that the person would have a claim of privilege against self-incrimination in an action in the Supreme Court of Queensland in respect of answering the question or producing the document or other thing.

The Assembly can, nonetheless, order a person to answer a question despite the grounds of objection provided. However, in doing so, the Assembly must have regard to the public interest in the question being answered or the document or other thing being produced and the public interest in providing appropriate protection to individuals against invasions of privacy and self-incrimination.

The Parliament of Queensland Bill 2001 further provides that evidence of an answer given by a person or before a committee, or the fact the person produced a document or other thing to a committee may not be given in any proceeding except in proceedings before the Assembly or a committee or a criminal proceeding brought against the person about the falsity, threatening or offensive nature of the answer, document or other thing or the person's failure or refusal to answer a question or produce a document or other thing.

This provision relating to the admissibility of evidence does not extend to evidence given before the Assembly, because clause 8 of the Bill (which restates article 9 of the Bill of Rights 1688 (Imp)) contains the traditional statement of the extent to which proceedings in the Assembly (which includes evidence given to and before the Assembly) can be questioned in a court.

Consultation

The Bill was developed in consultation with:

- the Department of the Premier and Cabinet;
- the Crown Solicitor;
- the Office of the Queensland Parliamentary Counsel; and
- the Department of Justice and Attorney-General.

The Bill is also based on the work performed by the Electoral and Administrative Review Commission, the Parliamentary Committee for Electoral and Administrative Review, the Legal, Constitutional and Administrative Review Committee and the Queensland Constitutional Review Commission. Extensive public consultation has been undertaken in the development of the Bill over a number of years through the entities mentioned above.

NOTES ON CLAUSES

CHAPTER 1—PRELIMINARY

Provisions consolidated:

- *Parliamentary Papers Act* 1992, s 13 Privileges of Parliament not affected

Clause 1 of the Bill sets out the short title of the Act.

Clause 2 provides for the Act to commence on 6 June 2002, Queensland Day. Queensland Day commemorates the anniversary of Letters Patent establishing Queensland as a colony separate from New South Wales being issued by Queen Victoria in 1859.

Clause 3 provides that the dictionary in the schedule defines particular words used in the Bill.

Clause 4 explains that the object of the Bill is to generally consolidate existing laws incidental to the operation of the Legislative Assembly. Whilst many of the provisions of the Bill are a faithful redraft of the existing laws, some laws have been reformed, for example, the laws relating to the qualification and disqualification of candidates for election as members.

Clause 5 explains the relationship between the Bill and other Acts that concern the Parliament of Queensland. The clause notes that:

- the Bill contains laws incidental to the operation of the Assembly;
- the *Constitution of Queensland 2001* contains provisions about the membership and procedures of the Assembly and its powers, rights and immunities;
- the *Constitution Act 1867* requires a Legislative Assembly to exist, declares the Parliament of Queensland and law-making power in Queensland and has some provisions about the office of Governor;
- the *Constitution Act Amendment Act 1890* provides for the duration of the Assembly;

- the *Constitution Act Amendment Act 1934* prohibits provision being made for the existence of another legislative body except as provided in the Act; and
- the *Parliamentary Service Act 1988* contains laws about administrative and support services for the Legislative Assembly.

Clause 6 provides that nothing in the Bill derogates from any power, right or immunity of the Assembly or its members or committees. ‘Rights’ is defined in the dictionary to include privileges. *Clause 6* is largely based on section 13 of the *Parliamentary Papers Act 1992* but has been expanded to cover the entire Bill and not just the provisions of the *Parliamentary Papers Act 1992* being consolidated as clauses in chapters 2 and 3 of the Bill.

Existing laws, including the *Parliamentary Papers Act 1992*, refer to the ‘powers, *privileges* and immunities of the Assembly’. While the term ‘parliamentary privilege’ is generally used to describe the special powers, rights and immunities essential for the operation of Parliament, it also suggests that a personal advantage or benefit accrues to members either collectively or individually. For this reason, the phrase ‘powers, rights and immunities of the Assembly’ is used in the Bill (and in the Constitution of Queensland 2001) to more precisely reflect the true nature of ‘parliamentary privilege’.

Clause 7 provides that a note in the text of the Act is part of the Act. A number of examples also appear within the text of the Bill. For the legislative effect of examples see sections 14(3) and 14D of the *Acts Interpretation Act 1954*.

CHAPTER 2—PROCEEDINGS IN THE ASSEMBLY

Provisions consolidated:

- *Bill of Rights 1688 (Imp)*,
Article 9
- *Parliamentary Papers Act* Meaning of “proceedings in Parliament”
1992, s 3

PART 1—PROTECTION AND DEFINITION

Article 9 of the *Bill of Rights 1688 (Imp)* enshrines the most important provision relating to parliamentary privilege—freedom of speech and debates in the Parliament. The article provides that speeches, debates or other proceedings in the Parliament cannot be impeached or questioned in any court or place out of Parliament. One of the more obvious effects of this article is to ensure that words spoken in the Parliament cannot be used as the basis for legal proceedings. For example, a person cannot use words spoken in Parliament as a basis for defamation proceedings. However, the overall effect of article 9 is much wider. The article is designed to protect the Parliament, its committees, members and witnesses from any adverse action by other organs of the state, particularly the courts or other tribunals, for what is said or done in Parliament. Therefore, the article operates to:

- forbid cross-examination in a court, commission of inquiry or other tribunal of anything said by a member or witness in, or before, Parliament or a parliamentary committee; and
- forbid the questioning of any document prepared for, or tabled in, the Parliament or a committee.

Clause 8 is a faithful reproduction of article 9 with the replacement of the term ‘Parliament’ with ‘Assembly’. Currently, article 9 of the *Bill of Rights 1688* applies in Queensland by virtue of section 40A of the *Constitution Act 1867* (Powers, privileges and immunities of Legislative Assembly) and section 5 and schedule 1 of the *Imperial Acts Application Act 1984*.

However, out of an abundance of caution, a new subclause (2) has been inserted to remove any doubt that clause 8(1) is intended to have the same scope and effect that article 9 had in Queensland immediately before the commencement of subclause (1).

Clause 9 provides a definition of the term ‘proceedings in the Assembly’. Subclauses (1) and (2) largely reproduce sections 3(2) and (3) of the *Parliamentary Papers Act 1992* but substitute the term ‘Assembly’ for ‘Parliament’. The previous reference to article 9 of the Bill of Rights 1688 (as appears in section 3 of the *Parliamentary Papers Act 1992*) is not included as clause 8 now incorporates the terms of article 9.

Subclause (3) has been added to overcome difficulties which might arise in relation to documents which are brought into existence for some purpose other than specifically for the business of the Assembly, and which later become parliamentary proceedings. The new subclause makes it clear that such documents can, if their publication has been authorised by the Assembly or the relevant committee, be questioned or impeached in respect of that other purpose.

Subclause (4) clarifies when a document is taken to be tabled in the Assembly.

Subclause (5) has been added to make it clear that all business transacted by a parliamentary committee is within the scope of “proceedings in the Assembly” and, therefore, the protection offered by clause 8. Clarification that parliamentary committees exercise purely parliamentary functions is made in light of recent judicial statements which suggest that parliamentary committees may also exercise some executive functions. (See *Criminal Justice Commission v. Nationwide News Pty Ltd* [1996] 2 Qd R 444 at 457 and *Corrigan v. Parliamentary Criminal Justice Committee* [2000] QSC 096.)

Note the transitional provision in clause 152 which provides for clause 9 to operate retrospectively.

PART 2—MISCELLANEOUS

Provisions consolidated:

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| • <i>Constitution Act 1867</i> , s 8 | Standing rules and orders to be made |
| • <i>Legislative Assembly Act 1867</i> , s 13 | Quorum division and casting vote |
| • <i>Legislative Assembly Act 1867</i> , s 14 | Assembly may proceed to business although writs not exceeding 5 shall not have been returned |

Clause 10 provides that the Assembly may proceed to transact business following a general election even though a member has not been elected in up to five of the electoral districts. This clause updates section 14 of the *Legislative Assembly Act 1867* as now only one writ is issued for the general election of members of the Legislative Assembly in Queensland. Previously, an election writ was issued in each of the 89 electoral districts.

This clause provides for the circumstances dealt with by section 90 of the *Electoral Act 1992* leading to a failure of election in an electoral district; that is, where a candidate dies before the polling day for the election or there are no candidates for the election in a particular electoral district. In each of these cases, the writ for the general election has no effect in the relevant electoral district which allows the writ to be returned under section 123 of the *Electoral Act 1992* despite no member being elected for the electoral district at the general election. Section 90(3) of the *Electoral Act 1992* requires the Governor to issue a writ for a fresh election in the electoral district in which the failure occurred.

Other circumstances that might delay the election of a candidate in a particular electoral district, for example, a flood, fire or riot, are dealt with by section 95 of the *Electoral Act 1992*. In contrast to section 90 of the *Electoral Act 1992*, section 95 allows the returning officer for the electoral district to adjourn the taking of the poll and for the electoral commission to fix a new day for the taking of the poll (not later than 34 days after the polling day). Under section 95 of the *Electoral Act 1992*, the adjourned poll is still taken under the original writ issued for the general election. *Clause 10* of the Bill would not operate to allow the Assembly to proceed to transact business in these circumstances because the electoral commission

would have to wait until the delayed poll was held and the result notified before returning the writ for the general election.

Clause 11 provides for standing rules and orders to be made for the Assembly, what those standing rules and orders may provide for and the manner in which those standing rules and orders are to be adopted.

Clause 12 provides that at a meeting of the Assembly, 16 members exclusive of the Speaker constitute a quorum. This provision faithfully reproduces in modern language part of section 13 of the *Legislative Assembly Act 1867*.

Clause 13 reproduces in modern language that part of section 13 of the *Legislative Assembly Act 1867* which provides that a question before the Assembly is decided by a majority of members present and voting, and that the Speaker presiding has no deliberative vote but, if the votes are equal, has a casting vote. This clause is broader than section 13 of the *Legislative Assembly Act 1867* by also providing that a question before a Committee of the Whole House is decided in the same way with the Chairperson of Committees presiding and holding the casting vote.

PART 3—THE SPEAKER

Provisions consolidated:

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| • <i>Legislative Assembly Act 1867, s 12</i> | Election of the Speaker |
| • <i>Constitution Act Amendment Act 1896, s 3(4)</i> | Salaries of office holders in Assembly |

Clause 14 provides that members of the Assembly must, immediately on sitting after every general election, proceed to elect a member to be a Speaker as the first order of business. The clause further provides that the Speaker must preside at all meetings in the Assembly unless otherwise provided by the standing rules and orders. The clause also provides that the Speaker stops holding office on resignation or removal by a vote of the Assembly and that the members must proceed to elect another member to be the Speaker before proceeding to any other business. The words ‘before

proceeding to any other business' allow the members to complete the current item of business being considered by the House at the time the Speaker resigned, died or was removed by the Assembly.

Clause 14 is a faithful rewrite of section 12 of the *Legislative Assembly Act 1867*. Clause 14 has been drafted to be read with the current *Standing Rules and Orders of the Legislative Assembly* which provide that the longest continually serving member of the House, not being a Minister, shall preside over the election of the Speaker (See *Standing Rules and Orders of the Legislative Assembly*: SO 4).

Clause 15 is a new clause which provides that the Speaker continues holding office after the expiry or dissolution of the Assembly until the day before the first sitting day of the new Assembly elected at the ensuing general election. This provision has been added to provide certainty as to the tenure of the Speaker's office, particularly during the period following the expiry or dissolution of the Assembly.

Currently, there is no explicit statutory formula which determines when the Speaker's office is vacated, although in practice the office of the Speaker is regarded as ending on the day before the new Parliament.

Subclause (2) of this clause has been included to make it clear that the Speaker will continue to hold that office under subclause (1) even if the Speaker ceases to be a member at the general election because he or she did not contest the election or was not re-elected.

Clause 16 provides that during any vacancy in the Speaker's office, or during a period when the Speaker is absent from duty, away from the State, or is for another reason unable to perform the duties of the office, the Chairperson of Committees may act as the Speaker. Clause 16(3) replaces section 3(4) of the *Constitution Act Amendment Act 1896*. The provision in no way affects the way that the Assembly is presided over when it is sitting in the absence of the Speaker which is dealt with by the *Standing Rules and Orders of the Legislative Assembly* (see SO 10 to 14).

Subclauses (4) and (5) are new and provide that the most senior temporary Chairperson of Committees may act as Speaker in the absence of both the Speaker and the Chairperson of Committees. The term 'temporary Chairperson of Committees' is defined in the dictionary to the Bill as a member appointed or recognised by the standing rules and orders as a temporary Chairperson of Committees. SO 13 currently provides for the Speaker, at the commencement of every Parliament, to nominate a panel of five members to act as temporary Chairpersons of Committees.

PART 4—CHAIRPERSON OF COMMITTEES

Clause 17 provides—in terms similar to clause 14 in relation to the Speaker—that the members of the Assembly must as soon as practicable on sitting after every general election proceed to appoint a person to be Chairperson of Committees. The Chairperson of Committees must preside at all meetings of the Committee of the Whole House, unless otherwise provided by the standing rules and orders. SO 13 of the *Standing Rules and Orders of the Legislative Assembly* provides for members nominated to a panel of temporary Chairpersons of Committees to preside in the absence of the Chairperson of Committees.

Clause 17 will:

- accommodate the practice of appointing the Chairperson of Committees on the third sitting day of a new Parliament (by using the words “as soon as practicable on sitting after every general election”, as opposed to “immediately on sitting after every general election” used in relation to the election of the Speaker); and
- ensure consistency with the current *Standing Rules and Orders of the Legislative Assembly* in relation to the appointment (rather than election) of the Chairperson of the Committees (see SO 12).

Clause 18 provides (in similar terms to clause 15 in relation to the Speaker) that the Chairperson of Committees continues to hold office until the eve of the sitting of the new Parliament. Subclause (2) has been included to ensure that the Chairperson of Committees is able to act in the office of Speaker during the period following the expiry or dissolution of the Assembly, should this be necessary.

PART 5—PROXY VOTING

Provisions consolidated:

• <i>Legislative Assembly Act</i> 1867, s 15	Voting as and for a member absent through ill health
• <i>Legislative Assembly Act</i> 1867, s 16	Cesser of proxy
• <i>Legislative Assembly Act</i> 1867, s 18	Saving of s 7

Clause 19 provides that a member who is in a state of ill health that prevents the member from attending any sittings of the Assembly, as evidenced by medical certificates from at least 2 doctors, may vote by proxy. The circumstances in which a member may vote by proxy under clause 19(1) differ from the circumstances currently prescribed by section 15 of the *Legislative Assembly Act 1867* to the extent that a member no longer has to establish that:

- the illness was not caused through any fault of the member; or
- the member has failed to secure a pair for the period of the illness through no fault of the member.

Clause 19 also outlines the procedure that the Speaker is required to observe on receiving from a member doctors' certificates and notification of the member's desire to vote by proxy. Clause 19(2) allows two other members to be named as the member's proxies.

Clause 20 sets out the manner in which a member who is voting for the absent member by proxy must declare the vote.

Clause 21 sets out how a proxy is substituted.

Clause 22 provides that the medical certificates, notification by the absent member or declaration by the Speaker under this part are not effective for the purpose of allowing a member to vote by proxy after the last day of the session of the Assembly in which the certificates, notification or declaration were received or made. However, subclause (2) allows renewal of a certificate, notification or declaration if the member's inability to attend sittings is likely to continue beyond the period stated in the medical certificates or into the next session of the Assembly.

Clause 23 provides that the absent member's proxy ends if:

- the member attends any sittings of the Assembly or any Committee of the Whole House; or
- the Speaker is satisfied that the member is able to attend the sittings; or
- the Speaker reads to the Assembly a notification by the member that the member's vote is no longer to be declared by proxy.

Clause 24 provides that the part relating to proxy voting does not affect other provisions relating to vacating seats of members of the Assembly.

CHAPTER 3—POWERS, RIGHTS AND IMMUNITIES

PART 1—POWERS TO REQUIRE ATTENDANCE AND PRODUCTION

Provisions consolidated:

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| • <i>Constitution Act 1867</i> , s 41 | Power to order the attendance of persons |
| • <i>Constitution Act 1867</i> , s 42 | Order to attend to be notified by summons |
| • <i>Constitution Act 1867</i> , s 43 | Attendance of members |
| • <i>Constitution Act 1867</i> , s 44 | Objection to answer questions or produce documents to be reported to the House |
| • <i>Parliamentary Committees Act 1995</i> , s 25 | Power to call for persons etc |
| • <i>Parliamentary Committees Act 1995</i> , s 26 | Privilege against self-incrimination |

The powers, rights and immunities of the Assembly, in particular, the power of the Assembly and its committees to require attendance and production of persons, papers and things, are currently provided for in the *Constitution Act 1867* and in the *Parliamentary Committees Act 1995*. Part 1 of chapter 3 of the Bill consolidates the relevant provisions of those two Acts and standardises the exercise of the powers and the procedures to be followed in both fora. Clause 9 of the Constitution of Queensland 2001 is the primary source of the powers, rights and immunities of the Assembly, its committees and members.

Clause 25 provides for the Assembly to order a person to attend before the Assembly or an authorised committee and for an authorised committee to order a person, other than a member, to attend before the committee. In either case, the Assembly or an authorised committee may order a person to

produce any document or other thing in the person's possession. 'Authorised committee' and 'possession' are defined in the dictionary.

The term 'authorised committee' is a new concept that has been introduced as a shorthand method of describing a committee which is either a statutory committee (established under clause 80) or another committee of the Assembly which has been authorised by the Assembly or an Act to call for persons, documents or other things.

Clause 25(3) makes it clear that any committee, whether or not an authorised committee, may receive evidence given voluntarily.

Clause 26 provides that a person ordered to attend must be given a summons issued by either the Speaker (if ordered to attend by the Assembly) or the Clerk of the Parliament on notification by the committee's chairperson (if ordered to attend by a committee). Clause 26(2) provides that the summons must state a reasonable time and place for attendance and reasonable particulars of any document or other thing to be produced.

Clause 26 is a faithful reproduction in modern language of sections 42(1) and (2) of the *Constitution Act 1867*. However, section 42(3) of the *Constitution Act 1867*, which deals with the service of the summons, has not been incorporated into the Bill because section 39 of the *Acts Interpretation Act 1954* provides for the service of documents.

Clause 27 provides that a person (who is not a member) ordered to attend is entitled to be paid a reasonable amount for expenses of attendance as decided by the Speaker.

Clause 28 provides that a member of the Assembly may be ordered by the Assembly, without a summons, to:

- attend before the Assembly or before an authorised committee;
or
- to produce a document or other thing to the Assembly or an authorised committee.

Subclause (2) sets out the matters that the Assembly must state in such an order. Note that an authorised committee cannot order a member to appear before the committee and must ask the Assembly to issue the order to a member (see clause 25).

Clause 29 makes it clear that a person ordered to attend before the Assembly must not fail to:

- attend as ordered; or

- attend as the Speaker may subsequently require the person to attend from time to time during the Assembly's consideration of the matter.

However, the Assembly may excuse a person from a failure to attend as required by subclause (1).

Clause 30 makes it clear that a person ordered to attend before an authorised committee must not fail to:

- attend as ordered; or
- attend as the committee's chairperson may subsequently require the person to attend from time to time during the committee's consideration of the matter.

Subclause (2) provides for the committee to report the failure to the Assembly and subclause (3) empowers the Assembly to order the person to attend before the committee. Subclause (4) prohibits the person from failing to attend before the committee as ordered by the Assembly or subsequently required to attend by the authorised committee's chairperson.

Subclause (5) provides for a person to be excused from a failure to attend by a committee (where ordered to attend by the committee) or the Assembly (in any case).

Clause 31 provides that the Assembly or an authorised committee may require a person to answer questions under oath or affirmation and who is to administer the oath or affirmation. This clause applies whether the person is attending before the Assembly or an authorised committee in response to an order, a summons or voluntarily.

Subclause (3) makes it clear that a person must not fail to be sworn or make an affirmation if required to do so. A person may be excused from such a failure by a committee (where ordered to attend by the committee) or the Assembly (in any case).

Clause 32 explains the procedure that is to take place when a person either fails to answer a question or produce a document or other thing to the Assembly or objects to doing so. Whilst this is a new provision, it is based upon existing section 44 of the *Constitution Act 1867* and section 26 of the *Parliamentary Committees Act 1995*.

Clause 33 explains the procedure that is to take place when a person fails to answer a question or produce a document or other thing to an authorised committee or objects to doing so. Clause 33 is a new provision primarily based upon section 26 of the *Parliamentary Committees Act 1995*.

Clause 34 specifies the grounds on which a person may object to answering a question or producing a document or other thing. The grounds are:

- the answer, document or other thing is of a private nature and does not affect the subject of inquiry; or
- giving the answer or producing the document or other thing might tend to incriminate the person and the person would have a claim of privilege against self-incrimination in a Supreme Court action.

Clause 34 consolidates the only grounds of objection to complying with the coercive powers of the Assembly and its authorised committees currently found in section 44 of the *Constitution Act 1867* and section 26 of the *Parliamentary Committees Act 1995*.

Clause 35 sets out the matters to which the Assembly must have regard when considering objections made to the Assembly or a committee. The Assembly must have regard to the public interest in having a question answered or the documents or other things produced and the public interest in providing appropriate protection to individuals against invasions of privacy or against self-incrimination.

Clause 35 largely encapsulates the concepts that have been provided as exceptions to the coercive powers of the Assembly and its committees set out in section 44 of the *Constitution Act 1867* and section 26 of the *Parliamentary Committees Act 1995*.

Clause 36 provides that evidence may not be given in any proceeding of an answer given by a person before a committee, or of the fact the person produced a document or other thing to a committee. Clause 36(1) is a faithful reproduction of section 26(9) of the *Parliamentary Committees Act 1995*.

Paragraphs 36(2)(a) and (b), which faithfully reproduce section 26(10) of the *Parliamentary Committees Act 1995*, provide that clause 36(1) does not apply to proceedings before the Assembly or a committee of the Assembly, or a criminal proceeding about the falsity, threatening or offensive nature of the answer, document or other thing.

Clause 36(2)(c) is a new provision. It provides a further exception to the general rule in clause 36(1) by also allowing the use of the evidence in a criminal proceeding about the person's failure to produce a document or other thing or refusal to answer a question before the Assembly or a committee. Clause 36(2)(c) addresses an anomaly in the existing law given

that an offence for such conduct exists but there is doubt as to whether the critical evidence to prove the offence could ever be used.

PART 2—CONTEMPTS

Provisions consolidated:

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| • <i>Constitution Act 1867, s 45</i> | House empowered to punish summarily for certain contempts |
| • <i>Constitution Act 1867, s 46</i> | Speaker to issue warrant |
| • <i>Constitution Act 1867, s 47</i> | Persons disturbing proceedings of House may be arrested without warrant |
| • <i>Constitution Act 1867, s 48</i> | Form of warrant |
| • <i>Constitution Act 1867, s 49</i> | Execution of verbal order or warrant |
| • <i>Constitution Act 1867, s 50</i> | Doors may be broken open in executing warrant |
| • <i>Constitution Act 1867, s 52</i> | House may direct Attorney-General to prosecute for other contempts |
| • <i>Legislative Assembly Act 1867, s 7E</i> | Power of Treasurer to retain moneys being allowance to members adjudged guilty of contempt and ordered to pay fine |

Clause 37 defines what constitutes contempt of the Assembly. This definition is based on the definition of contempt contained in the *Parliamentary Privileges Act 1987* (Cth). The examples of what constitutes contempt are drawn from section 45 of the *Constitution Act 1867*, although some examples have been amended to incorporate references to committees. The extension of these matters to committees is necessary because of the more extensive and active committee system that now exists in the Queensland Parliament.

Clause 38 makes it clear that whether particular conduct is contempt of the Assembly is a matter for the Assembly to decide, acting on any advice it considers appropriate.

Clause 39 provides that the Assembly has the same power to deal with a person for contempt of the Assembly as the House of Commons had to deal with contempt of the House of Commons when the Commonwealth was established (1 January 1901). To remove any doubt, the clause also provides that the power includes the power to fine the person and, in default of the fine being paid, impose imprisonment on the person. The manner in which a person can be fined and imprisoned in default of payment is provided for in clauses 40 to 45.

Clause 40 provides that proceedings for the punishment by the Assembly of contempt are to be taken in the way specified in the standing rules and orders. Clauses 40(2) and (3) provide that the Assembly may order that a person found to have committed a contempt pay a fine of not more than an amount stated in the standing rules and orders and, if the fine is not paid, be imprisoned until the fine is paid or until the end of that session of the Parliament. Clause 40(4) provides that the Assembly may order a person to be imprisoned in the custody of an officer of the Assembly or under section 6 of the *Corrective Services Act 2000*. Section 6 of the *Corrective Services Act 2000* requires a person to be detained in a 'corrective services facility' (defined in that Act to include prisons and other, less secure, facilities) or, in the circumstances specified in section 6(2), in a watch-house.

Clause 41 provides that the Speaker, on the Assembly's resolution, may issue a warrant for the apprehension and imprisonment of a person fined for contempt if the fine is not paid as required by the Assembly.

Clause 42 provides that a person who commits a contempt by creating or joining in any disturbance in the Assembly or before a committee or in the vicinity of the Assembly or a committee while it is sitting that may interrupt its proceedings may be apprehended without warrant on the Speaker's order (oral or written) and kept in the custody of an officer of the Assembly pending the person being dealt with under clause 39.

Clause 43 provides that a warrant issued under clause 41 need not be in a particular form but it must state in effect that the person has been found by the Assembly to have committed a contempt of the Assembly.

Clause 44 provides that the commissioner of police, all police officers and other persons are required to assist in the apprehension and detention of any person who is required to be apprehended under an order or warrant of the Speaker. Clause 44(2) provides that for the purpose of searching for and apprehending a person the subject of a Speaker's order or warrant, a person may enter any place using force that may be reasonably necessary.

Clause 45 provides that the person in charge of a corrective services facility or watch-house to whom is delivered a person apprehended under a Speaker's warrant must take the person into custody and detain that person in accordance with the warrant's terms.

Clause 46 provides that if a member commits a contempt, is ordered by the Assembly to pay a fine and that fine is not paid by the member as required, the Treasurer, upon the Speaker's signed certificate, may order an amount to be set aside and retained by the Treasurer out of the member's salary until the full amount of the fine has been paid. This is a faithful modern rewrite of section 7E of the *Legislative Assembly Act 1867*.

Clause 47 provides that if a person's conduct constitutes both a contempt of the Assembly and an offence under another Act, the person may be proceeded against either for the contempt or for the offence against the other Act, but the person is not liable to be punished twice for the same conduct. This protection against double jeopardy is new. *Clause 47(2)* provides that the Assembly may direct the Attorney-General to prosecute the person for the offence against the other Act. Section 52 of the *Constitution Act 1867* currently provides that it is lawful for the Assembly to direct the Attorney-General to prosecute before the Supreme Court any such person guilty of any other contempt against the House which is punishable by law.

PART 3—PARLIAMENTARY PAPERS

Provisions consolidated:

- *Parliamentary Papers Act 1992* s 2 and ss 4-12

Part 3 relocates sections 2 and 4 to 12 of the *Parliamentary Papers Act 1992* to the Bill. These sections, being of recent origin and consistent with modern drafting style, are virtually reproduced in this part without amendment.

Clause 48 defines 'authorising person' for this part.

Clause 49 provides that the Assembly or a committee may authorise the publication of documents relating to proceedings in the Assembly. This

includes publication of evidence given before a committee, a document presented or submitted to a committee or a document or report prepared or made by a committee.

Clause 50 provides that unless the Assembly or a committee otherwise orders, then the Assembly or the committee is taken to have authorised the government printer to publish evidence or a document authorised for publication by the Assembly or a committee.

Clause 51 provides that the Assembly is taken to have authorised certain people to publish parliamentary documents. A definition of ‘parliamentary document’ is provided in the clause.

Clause 52 provides that a person may read any document that is tabled in the Assembly by a member, but is not ordered or otherwise authorised by the Assembly to be printed. The person may make a copy of, take an extract from, or take notes of, the document and does not incur any civil or criminal liability for so doing.

Clause 53 deems particular documents to be taken to be printed when tabled or taken to be tabled in the Assembly.

Clause 54 provides that a person does not incur any civil or criminal liability for the publication of a fair report of a document that is tabled in the Assembly by a member with the express permission of the Speaker or by leave of the Assembly, whether or not ordered to be printed.

Clause 55 provides for certificates signed by an authorising person to be evidence of the matters stated in the certificate and sets out the list of matters relating to proceedings in the Assembly that may be certified.

Clause 56 provides that a person does not incur any civil or criminal liability for publishing evidence or a document by order or under the authority of the Assembly or a committee. The clause also provides that if a proceeding is brought for a publication to which subsection (1) applies, the defendant may produce to the court a certificate signed by an authorising person which states that the publication is of that nature, in which case the court must dismiss the proceeding. Subclause (5) provides that this clause does not affect any other defence available to the defendant.

Clause 57 provides that reports of the debates in the Assembly published by order or under the authority of the Assembly may be received in evidence as an accurate record of what happened in the Assembly. The clause further provides that evidence must not be admitted contradicting, adding to or otherwise impugning the accuracy of the reports.

Clause 58 provides that the part applies to evidence given and documents tabled, printed or published at any time whether before or after the commencement of the part.

PART 4—TABLING OF REPORTS OUTSIDE SITTINGS

Provisions consolidated:

- *Acts Interpretation Act 1954*, s 29A Tabling of reports when Legislative Assembly not sitting

Clause 59 provides that reports that, under an Act, are received by a Minister or the Speaker and are required or permitted to be tabled in the Assembly may be tabled when the Assembly is not sitting by giving a copy of the report to the Clerk of the Parliament. The report is taken to have been tabled on the day a copy of the report is received by the Clerk and the day the report was received is to be recorded in the Votes and Proceedings for the next sitting day. ‘Report’ is defined to include a document accompanying a report.

The clause relocates section 29A of the *Acts Interpretation Act 1954* and simplifies the requirements for tabling a report when the Assembly is not sitting.

PART 5—CUSTODY OF ASSEMBLY DOCUMENTS

Part 5 is a new part which will address the situation where Parliamentary Service officers are served with coercive instruments to produce documents to courts and other inquiries.

SO 327 of the *Standing Rules and Orders of the Legislative Assembly* currently provides that the Clerk has custody of all journals, records and tabled documents and places an obligation on the Clerk to not allow such documents to be removed from the Parliament without a resolution of the Assembly. The Speaker is able to give his or her permission to release such

documents if the Parliament is prorogued or the Assembly is adjourned for any period exceeding 7 days.

This part legislatively reproduces SO 327 to address concerns raised by the Clerk that another parliamentary officer served with a coercive document requiring the production of documents of the Assembly runs the risk of being in contempt of the court that has issued the subpoena or the Assembly.

Clause 60 makes it clear that the part applies despite any other law.

Clause 61 provides that for part 5 the Clerk is taken to have custody of all documents in the possession of the Assembly, a committee or an inquiry.

Clause 62 states that for an instrument requiring access to or production of a document in the possession of the Assembly, a committee or an inquiry to be effective, it must be addressed to the Clerk.

Clause 63 provides that the Clerk may not allow access to, or produce, a document as required under an instrument and which has not been tabled, or has been tabled but prohibited by the Assembly from being published, unless the Assembly, committee or inquiry, as the case may be, has by resolution given leave.

However, if an instrument requires access to, or production of, a document in the possession of the Assembly and the Assembly has expired or is dissolved, prorogued or adjourned for more than 7 days, the Speaker may give leave for the document to be accessed or produced as required under the instrument.

CHAPTER 4—CANDIDATES AND MEMBERS

PART 1—QUALIFICATIONS

Provisions consolidated:

- | | |
|---------------------------------------------|--------------------------------------------------------|
| • <i>Legislative Assembly Act 1867, s 7</i> | Vacating seats of members of Assembly in certain cases |
| • <i>Electoral Act 1992, s 83</i> | Who may be nominated |
| • <i>District Courts Act 1967, s 13</i> | Judges not to practise or sit in Parliament |

Clause 64 sets out the qualifications that a person must satisfy in order to be nominated as a candidate for election and to be elected as a member. Clause 64(1) is based upon section 83(1) of the *Electoral Act 1992*.

Clause 64(1)(b), in prescribing that a candidate must be enrolled on an electoral roll, imports the requirements for enrolment in section 64 of the *Electoral Act 1992*. This section in turn imports the requirements of section 93 of the *Commonwealth Electoral Act 1918* which prescribes as grounds of disqualification for enrolment:

- unsound mind;
- serving a sentence of 5 years or longer for an offence against Commonwealth, State or Territory law; and
- convicted, and not pardoned, of treason or treachery.

Clause 64(2) outlines the circumstances in which a person is disqualified from being a candidate, and draws upon the existing prohibitions. Clause 64(3) also makes it clear that the Governor-General, Administrator or head of Government of the Commonwealth or a State and the holder of a judicial office in any jurisdiction are disqualified from being nominated as candidates for election. This strengthens the concept of the separation of powers.

Note: The specific disqualification of members of the Commonwealth Parliament under section 83(2)(f) of the *Electoral Act 1992* has been

replaced by clause 68(1)(a) which allows members of other Parliaments to be elected but in order for them to take their seats they must resign their other parliamentary membership.

PART 2—CANDIDATES AND MEMBERS HOLDING PAID PUBLIC APPOINTMENT

<i>Provisions consolidated:</i>	
• <i>Legislative Assembly Act 1867, s 7A</i>	Eligibility of members to hold offices etc
• <i>Legislative Assembly Act 1867, s 7D</i>	Meaning of expressions
• <i>Officials in Parliament Act 1896, s 3</i>	Governor may declare what Ministers may sit in Legislative Assembly
• <i>Officials in Parliament Act 1896, s 5</i>	Government officers not to sit in Legislative Assembly except as mentioned
• <i>Officials in Parliament Act 1896, s 6</i>	Parliamentary Secretary not officer liable to retire on political grounds etc
• <i>Local Government Act 1993, s 224</i>	Termination of membership of Legislative Assembly on becoming councillor

The aim of Part 2 is to ensure that members do not have a conflict between their duties as members of Parliament to make the Government of the day accountable and some other duty the members may owe to the Government in a personal capacity. The part does this by preventing a member from receiving certain pecuniary interests derived from paid offices of the State.

Clause 65 provides a definition of the term ‘paid public appointment’. This is a new term which replaces the concept of ‘office or place of profit under the Crown’. A person holds paid public appointment if the person *for reward*:

- holds an office under, or is employed by, the State, another State or the Commonwealth;
- holds an appointment to or in or is employed by or in an entity of the State, another State or the Commonwealth;
- holds an appointment to or in or is employed by or in the parliamentary service of a State or the Commonwealth legislature;
- holds an appointment to or in or is employed by or in a court or tribunal or a registry or other administrative office of a court or tribunal of the State, another State or the Commonwealth; or
- holds an appointment to or in or is employed by or in a local government of the State or another State.

Section 33A of the *Acts Interpretation Act 1954*, provides that a reference to a ‘State’ in an Act includes the Australian Capital Territory and the Northern Territory.

The provisions are intended to cover all paid public appointments including employees of the public service, the parliamentary service and statutory office holders. The provisions are not intended to cover essentially private entities which may operate under or pursuant to a law of the State or which receive funding of some sort from the State—unless appointments to those entities are controlled in some way by the State (see the definition of ‘entity’ of a State and of the Commonwealth in the dictionary).

Clause 65(2) defines ‘paid State appointment’ as a paid public appointment held in connection with Queensland.

Clause 65(3) makes it clear that a member does not hold a paid public appointment if:

- the member is appointed to the office of Minister, acting Minister or parliamentary secretary under the *Constitution of Queensland 2001*;
- an Act expressly permits the appointment to be held by a member;
- when the appointment is held by a member, neither the member nor any other person is entitled to, or is entitled to and receives, any reward on account of the member holding the appointment; or

- the member is appointed or elected as a local government mayor or councillor.

Appointments to the offices of Minister, acting Minister and parliamentary secretary under the *Constitution of Queensland 2001* are specifically excluded to ensure that a member can accept these appointments without affecting the appointment or the member's holding of his or her seat.

Local government mayors and councillors are specifically excluded from the definition of 'paid public appointment' because the consequences of holding these positions are dealt with by specific, rather than general, reference. (See clauses 68(1)(b) and 72(1)(g) and section 224A of the *Local Government Act 1993*.)

Clause 65(4) provides that a member is not to be taken to be entitled to a reward if the member irrevocably waives for all legal purposes the entitlement to the reward. Clause 65(5) requires the member to waive the entitlement in writing as soon as practicable after becoming aware of the entitlement and to provide a copy of the waiver to the Speaker.

Clause 65(6) defines the term 'reward' by providing that a reward does not include:

- an amount decided under chapter 7 (Members' Salaries) or the *Parliamentary Contributory Superannuation Act 1970*;
- reasonable expenses actually incurred by or for the member for a number of listed matters; or
- an amount paid as a pension, entitlement, remuneration or allowance for past service in a paid public appointment, or past or existing service as a member of the Commonwealth's military reserve forces.

The exclusion from the term 'reward' of an amount decided under chapter 7 (Members' Salaries) and the *Parliamentary Contributory Superannuation Act 1970* is important because chapter 7 determines the salaries of members. Therefore, the receipt by a member of his or her salary or a superannuation entitlement does not qualify as a paid public appointment.

Clause 66 deals with the situation of a person holding a paid State appointment becoming a candidate for election to the Assembly. In summary, the clause provides that a candidate who holds paid State appointment must, during an election period, be absent on leave from that appointment. For that purpose, a person is entitled to take any accrued

leave or leave without reward. Clause 66(3) provides that if the person fails to take leave as required then they are taken to be on unpaid leave and are not entitled to be rewarded for service in the paid State appointment during the election period.

Clause 66(4) provides that, if a person who holds a paid State appointment is elected as a member, the person's paid State appointment is taken to end on the day before the day of the poll at which the person is elected. This provision is consistent with clause 120(1) which provides that a person is entitled to be paid a salary as a member from the day of the poll at which the person was elected. In this way, the person does not hold a paid State appointment while receiving a salary as a member.

The election period is defined as being the period starting on the day the person becomes a candidate under section 88(3) of the *Electoral Act 1992* and ending:

- if the person is elected—the election period is taken to have ended on the day before the day of the poll at which the person is elected (that is, the same day that the person's paid State appointment is taken to end); or
- if the person is not elected—on the day that a candidate is elected to that seat. (Note: when a candidate is elected is determined under part 6 (Elections), division 6 (Counting of votes) of the *Electoral Act 1992*.)

Clause 66(6) provides that clause 66 applies despite any law other than the Parliament of Queensland Bill.

Clause 67 provides that certain statutory office holders, and deputies to those office holders, must resign office immediately on being nominated as a candidate for election. This clause adopts the reasoning of the House of Representatives Standing Committee on Legal and Constitutional Affairs in its *Report on Aspect of section 44 of the Australian Constitution - Subsections 44(i) and (v)* at 3.92:

It seems that some public sector positions are so sensitive that their occupants should be required to relinquish the office even before nominating for election.

Clause 67(1) lists those offices from which the office holders are required to resign when nominating as a candidate.

Clause 67(2) provides that a prescribed office holder who fails to comply with subclause (1) is taken to have resigned the office on becoming a candidate.

Clause 67(3) makes it clear that a person is not a deputy for the purposes of subclause (1) if they are only temporarily acting in the office of deputy.

Clause 68 provides that:

- a member of the Commonwealth Parliament, or of a legislature of another State;
- the mayor or a councillor of a local government of another State; and
- the holder of a paid public appointment in another State or the Commonwealth,

who is elected as a member, cannot take his or her seat until the person stops holding that membership or appointment.

Clause 68 does not provide for the circumstances of a mayor or councillor of a Queensland local government because of section 224A of the *Local Government Act 1993* which automatically terminates a councillor's term of office on the councillor becoming a candidate for a State election. In this way, no Queensland local government councillor would be elected as a member for the purposes of clause 68.

Further, clause 68 does not provide for the holder of a paid State appointment being elected as a member because this is dealt with by clause 66.

(Note that clause 72(1)(a) provides that a member who fails to take his or her seat within 21 sitting days after being elected as a member vacates his or her seat, even if the member is precluded from taking the seat because that person has not stopped holding a membership or appointment under clause 68(1). A member takes his or her seat upon the swearing of the oath or affirmation required under section 22 of the *Constitution of Queensland 2001*.)

Clause 69 provides that a member must not accept a paid State appointment and any such purported appointment is of no effect, despite any law other than the Parliament of Queensland Bill.

PART 3—RESTRICTIONS ON DEALINGS WITH THE STATE

Provisions consolidated:

- | | |
|----------------------------------------------|---------------------------------------------------------------------------------------------------|
| • <i>Constitution Act 1867, s 6</i> | Disqualifying contractors and persons interested in contract— election to take place on vacancies |
| • <i>Constitution Act 1867, s 7</i> | Election of disqualified persons void |
| • <i>Constitution Act 1867, s 7A</i> | Scope of ss 6 and 7 |
| • <i>Legislative Assembly Act 1867, s 7B</i> | Eligibility of members to perform services |

This part is concerned with preventing contracts between the State and a member which may bring a member into conflict with his or her duties in making the Government accountable. This part replaces sections 6 to 7A of the *Constitution Act 1867* which disqualify contractors and persons interested in contracts from being members and section 7B of the *Legislative Assembly Act 1867* which prevents a member performing any duty or service for the Crown.

Clause 70 provides the definition of the term ‘transacts business’. *Clause 70(1)* provides that a member transacts business with an entity of the State if the member has a direct or indirect interest in a contract with an entity of the State or performs a duty or service for an entity of the State. *Clause 70(2)* provides exceptions to the definition in *clause 70(1)*.

The exceptions largely follow the existing exceptions in sections 6 and 7A of the *Constitution Act 1867*. In this regard, a member does not ‘transact business’ in the case of a duty or service if:

- an Act expressly permits the member to perform the duty or service; or
- neither the member nor any other person is entitled to or is entitled to and receives any reward on account of the member performing the duty or service; or
- the duty or service is attendance or giving of evidence at a court or other place in obedience to any court process.

Clause 70(3) makes it clear that for subclause (2)(b)(ii) a member is not to be taken to be entitled to a reward if the member irrevocably waives for all legal purposes the entitlement to the reward. Clause 70(4) requires the member to waive the entitlement in writing as soon as practicable after becoming aware of the entitlement and to provide a copy of the waiver to the Speaker.

Clause 71 provides that a member must not transact business, directly or indirectly, with an entity of the State. A member who contravenes the section is not entitled to, and may not receive, the reward in relation to the contract, duty or service. Therefore, the provision only prevents the member from profiting from the transaction, and does not itself cause a disqualification. However, transacting business with the State may lead to the member's seat being vacated under clause 72(1)(h). If the contravention ceases on the vacation of the member's seat, the then former member may become entitled to reward under the contract or for the duty or service from that time.

Clause 71(4) provides that a member does not contravene the section if the member acquires the interest in a restricted contract under a testamentary disposition or as an executor or a trustee of a deceased person's estate and disposes of that interest within 12 months after the day that the interest accrues (or a longer period allowed by the Assembly). This is a new provision and has been included in order to avoid difficulties for members who may receive such property via a testamentary disposition. It enables those members a period of grace to divest themselves of any interest which would otherwise be in contravention of the Act to hold.

Clauses 71(5) and (6) are also new provisions which allow a new member a grace period of 6 months after being elected to dispose of an interest in a contract or discharge an obligation to perform a duty or service that arose before the member's election. A new member is a member who was not a member of the Assembly immediately before it last expired or was dissolved. The provision has been inserted in an effort to provide fairness to those members who had substantial business dealings with the State prior to their election where it would be unconscionable to expect them to divest their interest prior to standing for election.

PART 4—AUTOMATIC VACATION OF MEMBER'S SEAT

Provisions consolidated:

- | | |
|---------------------------------------------|--------------------------------------------------------------------------|
| • <i>Legislative Assembly Act 1867, s 7</i> | Vacating seats of members of Assembly in certain cases |
| • <i>Local Government Act 1993, s 224</i> | Termination of membership of Legislative Assembly on becoming councillor |
| • <i>Electoral Act 1992, s 83</i> | Who may be nominated |

Clause 72 provides that a member's seat in the Assembly becomes vacant if any one of a number of listed circumstances occur. The circumstances outlined in the clause largely mirror the circumstances outlined in clause 64 which disqualify a person from becoming a candidate for an election. The chapter has been drafted to provide, as far as possible, consistency between the rules relating to qualification and disqualification of candidates and members. The qualifications and disqualifications in clauses 64 and 72 are based on the disqualifications for candidates currently found in section 83 of the *Electoral Act 1992* and for members currently found in section 7 of the *Legislative Assembly Act 1867* and section 224 of the *Local Government Act 1993*.

However, a significant change has been made in respect of offences, the commission of which by a member will vacate their seat. Under clauses 64(2)(b) and 72(1)(i)(i), a candidate and member will respectively be disqualified if:

- (a) in the case of a candidate, the candidate has been convicted within 2 years before the date of nomination of an offence and sentenced to imprisonment of more than 1 year; or
- (b) in the case of a member, the member is convicted of an offence for which the member is sentenced to imprisonment of more than 1 year.

Clause 72(3) provides that, in the case of a member, if the sentence of imprisonment is suspended, the disqualifying provision does not apply. However, if the member is subsequently ordered at any time to actually serve more than 1 year of the suspended term of imprisonment, the

disqualifying provision would apply at that later time. (A similar provision exists with respect to candidates in clause 64(5).)

Subclause 72(2) provides that the fact a member may acquire or use a foreign passport or travel document of itself does not cause a member's seat to be vacated under clause 72(1)(d); that is, taking an oath of allegiance etc. to a foreign power.

A change has also been made so that the qualifications for candidacy relating to bankruptcy, deeds of arrangement and compositions are now consistent with the corresponding grounds that would disqualify a member from continuing to hold his or her seat.

Clause 73 provides that the Assembly may by resolution declare a disqualifying circumstance otherwise outlined in the part to be of no effect. The Assembly must consider that the circumstance has stopped having effect, was trivial in nature, and happened without the actual knowledge or consent of the person or member or was accidental or due to inadvertence.

Clause 73(5) provides that the section has no effect on the jurisdiction of the Court of Disputed Returns. Under section 143 of the *Electoral Act 1992*, the Court of Disputed Returns has jurisdiction to hear and determine questions which the Assembly, by resolution, refers to it concerning the qualification of a person to be, or to continue to be, a member of the Assembly or a vacancy in the Assembly. Clause 73(5) is a new provision and is based on the *Constitution Act 1975* (Vic).

Clause 74 provides for circumstances in which:

- a member's seat has become vacant under clause 72(1)(i) (conviction of certain offences) or (n) (a conviction or conviction and sentence under another law that causes the member's seat to be vacant); and
- the member appeals, or applies for leave to appeal, within 1 calendar month after the conviction or sentence.

The clause ensures that a writ for an election to fill the vacancy in the member's seat cannot be issued until at least 1 calendar month has passed after the seat becomes vacant and, if the member appeals within 1 calendar month after the seat becomes vacant, until the appeal has ended.

If, on appeal, the conviction is quashed or set aside, or the sentence is changed to a sentence to which neither clause 72(1)(i) nor (n) applies, then clause 74(2) provides that the member's seat is taken to have never become vacant. The consequences of clause 74(2) include the member being entitled to retake his or her seat for the remainder of the term of the

Assembly to which he or she was elected and being entitled to receive his or her salary for the period that the member's seat was, but for the operation of this clause, considered vacant.

PART 5—VACATION OF SEAT BY MEMBER

Provisions consolidated:

- | | |
|----------------------------------------------|-----------------------------------------------------------------------------|
| • <i>Legislative Assembly Act 1867, s 8</i> | Resignation of seats in the Assembly |
| • <i>Legislative Assembly Act 1867, s 8A</i> | Vacancy occurring by reason of resignation to contest Commonwealth election |

Clause 75 provides that a member may resign his or her seat by signed writing addressed to the Speaker and that the seat becomes vacant when the Speaker receives the resignation.

Clause 76 provides a mechanism for a member to resign to contest a Commonwealth election and replaces section 8A of the *Legislative Assembly Act 1867*.

Clause 76 is a modern reproduction of section 8A of the *Legislative Assembly Act 1867*, in all but one respect. Section 8A(a) provides that the member must resign his or her seat 'not later than 21 days prior to the issue of the writ' for the Commonwealth election. As this provision is impracticable—how would a member of the Legislative Assembly know when a writ for the Commonwealth election was to be issued?—clause 76 has been drafted to require the member to resign not more than 21 days *after*, rather than *prior to*, the issue of the writ for the Commonwealth election.

Clause 76 is required because section 164 of the *Commonwealth Electoral Act 1918* provides that a member of a State Parliament cannot be elected to the Commonwealth Parliament. Note also that section 44(iv) of the *Commonwealth Constitution* prohibits a person who holds an office of profit under the Crown from being chosen or sitting as a senator or a member of the House of Representatives.

PART 6—GENERAL

Clause 77 provides that the performance of a function or exercise of a power by the Assembly or a committee is not invalidated merely because of the presence and voting of a person who was not qualified to be elected or whose seat has for any reason become vacant. This section presumes that a person present in the Assembly or a committee participated in or contributed to the performance of a function or exercise of a power by the Assembly or a committee.

CHAPTER 5—STATUTORY COMMITTEES OF THE ASSEMBLY

Chapter 5 contains the provisions of the *Parliamentary Committees Act 1995*.

The object of the *Parliamentary Committees Act 1995* was to establish a new system of committees for the Legislative Assembly.

PART 1—OBJECTS AND DEFINITIONS

Provisions consolidated:

- | | |
|----------------------------------------------------------------|----------------------------------------|
| • <i>Parliamentary Committees Act 1995, s 2</i> | Main object of Act and its achievement |
| • <i>Parliamentary Committees Act 1995, s 3 and Schedule 2</i> | Definitions—the dictionary |

Clause 78 declares the legislative object of the chapter, namely, to enhance the accountability of public administration in Queensland by establishing committees of the Assembly.

Clause 79 provides definitions for terms used in the chapter.

PART 2—ESTABLISHMENT

Provisions consolidated:

- | | |
|--------------------------------------------------|-------------------------------------------------------|
| • <i>Parliamentary Committees Act 1995, s 4</i> | Establishment of statutory committees |
| • <i>Parliamentary Committees Act 1995, s 4A</i> | Membership of statutory committees |
| • <i>Parliamentary Committees Act 1995, s 4B</i> | Quorum and voting at meetings of statutory committees |

Clause 80 provides for the establishment of the six statutory committees that existed prior to the introduction of this Bill: the Legal, Constitutional and Administrative Review Committee; the Members' Ethics and Parliamentary Privileges Committee; the Public Accounts Committee; the Public Works Committee; the Scrutiny of Legislation Committee; and the Standing Orders Committee.

Clause 81 provides that a statutory committee must consist of seven members; four nominated by the Leader of the House and three nominated by the Leader of the Opposition. *Clause 81(2)* provides that the chairperson must be the member so nominated by the Leader of the House.

Clause 82 provides for the quorum and voting at meetings of a statutory committee.

PART 3—ROLE OF STATUTORY COMMITTEES

Provisions consolidated:

- | | |
|-------------------------------------------------|------------------------------|
| • <i>Parliamentary Committees Act 1995, s 7</i> | Purpose of pts 3 and 4 |
| • <i>Parliamentary Committees Act 1995, s 8</i> | Role of statutory committees |

Clause 83 states the purpose of parts 3 and 4.

Clause 84 sets out the role of statutory committees. The main role of a statutory committee is to deal with issues which fall within its areas of responsibility. However, a statutory committee is also to deal with an issue referred to it either by the Legislative Assembly or under another Act, even if that issue does not fall within its areas of responsibility. A committee may deal with an issue by considering it and reporting on it (with recommendations) to the Assembly.

PART 4—AREAS OF RESPONSIBILITY OF STATUTORY COMMITTEES

Provisions consolidated:

- *Parliamentary Committees* (Various)
Act 1995, ss 9-23
- *Parliamentary Committees* (Various)
Act 1995, ss 27-31

Division 1—Legal, Constitutional and Administrative Review Committee

Clause 85 sets out the areas of responsibility of the Legal, Constitutional and Administrative Review Committee. These areas are administrative review reform, constitutional reform, electoral reform and legal reform.

Clause 86 states that the Legal, Constitutional and Administrative Review Committee's responsibility for administrative review reform enables it to examine legislation which deals with:

- access to information (for example, the *Freedom of Information Act 1992*);
- review of administrative decisions (for example, the *Judicial Review Act 1991* and the *Ombudsman Act 2001*);
- anti-discrimination (for example, the *Anti-Discrimination Act 1991*); and
- equal employment opportunity (for example, the *Equal Opportunity in Public Employment Act 1992*).

The clause also provides that the committee may not investigate particular conduct or reconsider or review a decision to investigate etc. a particular complaint or decision. This is to ensure that officers such as the Ombudsman, the Information Commissioner and the Anti-Discrimination Commissioner can operate independently in carrying out their statutory duties to investigate particular cases, while enabling the committee to examine the overall effectiveness of the legislation under which they operate.

Clause 87 provides that the Legal, Constitutional and Administrative Review Committee's responsibility for constitutional reform includes any

Bill impliedly or expressly repealing any law relevant to the State's Constitution.

Clause 88 provides that the Legal, Constitutional and Administrative Review Committee's responsibility for electoral reform includes monitoring generally the conduct of elections under the *Electoral Act 1992* and the Queensland Electoral Commission's capacity to conduct elections.

Clause 89 provides that the Legal, Constitutional and Administrative Review Committee's responsibility for legal reform includes the recognition of Aboriginal tradition or Island custom under Queensland law, and any proposed legislation referred to the committee by the Legislative Assembly which would establish law that is uniform with that of other jurisdictions. As this declaration of the committee's responsibility for legal reform is inclusive, rather than exhaustive, the committee's responsibility in this regard is not limited by these two matters.

Division 2—Members' Ethics and Parliamentary Privileges Committee

Clause 90 provides that the Members' Ethics and Parliamentary Privileges Committee has responsibility for the ethical conduct of members of the Legislative Assembly and for parliamentary powers, rights and immunities.

Clause 91 sets out the committee's responsibilities in regard to the registration of members' interests.

Clause 92 sets out the committee's responsibilities with regard to publishing and reviewing a code of ethical standards for members and the reform of legislation and standing rules and orders about the ethical conduct of members.

The Assembly and the committee have exclusive jurisdiction to investigate alleged or suspected breaches by members of the code of ethical standards, except where there is alleged or suspected criminal misconduct by a member. Where criminal misconduct is alleged or suspected, courts, tribunals and other entities such as the Crime and Misconduct Commission, the Queensland Police Service and the Director of Public Prosecutions will have jurisdiction.

Clause 93 provides that the committee's responsibilities also include the powers, rights and immunities of the Assembly and its committees and members.

Division 3—Public Accounts Committee

Clause 94 sets out the area of responsibility of the Public Accounts Committee. The Public Accounts Committee has responsibility to ensure that the Legislative Assembly has sufficient information to hold Government accountable for the management of public finances. The committee may examine Government financial documents (including annual financial statements and annual reports of agencies) and the reports of the Auditor-General.

Clause 95 allows the Public Accounts Committee to refer issues within its areas of responsibility to the Auditor-General.

Division 4—Public Works Committee

Clause 96 sets out the works which the Public Works Committee may examine. The Public Works Committee may examine works which are the responsibility of a constructing authority, or which are being carried out by a government owned corporation. The clause also sets out issues to which the Public Works Committee may have regard when examining those works, such as the necessity for, and the advisability of carrying out the works and procurement methods for the works.

In other words, the role of the Public Works Committee is to ensure that the Assembly has sufficient information to hold Government accountable for its use of public resources in developing and managing public works. The Public Works Committee also has the responsibility for monitoring and reviewing proposed works (for example, the building of roads and the construction of new schools) in which the State has, or will have, any financial interest or liability, or to which State resources are to be devoted, and of which the State has, will acquire or may acquire, sole ownership.

Clause 97 defines what is a ‘constructing authority’ for works.

Clause 98 provides that when considering works, the Public Works Committee may have regard to the issues mentioned in section 96(2)(a) to (i).

Clause 99 sets out the procedures to be followed by the Public Works Committee when seeking to gain entry to places for inspection. The clause ensures that owners and occupiers of places are given fair warning of the committee’s intention to enter and inspect a place (for example, a building or building site). The clause also sets out when an authorised person may enter and inspect without the occupier’s or owner’s consent.

Clause 100 provides that, if the Legislative Assembly has so resolved, the procurement for works referred to the Public Works Committee by the Assembly may not commence until the committee has reported on the works to the Assembly and the Assembly has considered the committee's report, for example, by taking note of the report.

Clause 101 provides that the Public Works Committee must hear commercially sensitive information in private session.

Clause 102 provides that the Public Works Committee may report on commercially sensitive information to the Legislative Assembly only if the committee considers that reporting the information is in the public interest.

Division 5—Scrutiny of Legislation Committee

Clause 103 sets out the area of responsibility of the Scrutiny of Legislation Committee. In particular, the committee is to scrutinise Bills and subordinate legislation for compliance with the fundamental legislative principles set out in the *Legislative Standards Act 1992*. These principles require legislation to have sufficient regard to the rights and liberties of individuals and to the institution of Parliament. The Scrutiny of Legislation Committee also has responsibility for overseeing the general operation of certain provisions of the *Legislative Standards Act 1992* and the *Statutory Instruments Act 1992*.

Thus, the committee's role is to monitor legislation. The committee may raise issues (such as breaches of fundamental legislative principles) with the responsible Minister, or with a Member sponsoring a Private Member's Bill, prior to pursuing issues, where appropriate, in the Assembly.

Division 6—Standing Orders Committee

Clause 104 provides that the Standing Orders Committee has responsibility for the standing rules and orders which set out the practices and procedures for the conduct of business in the Legislative Assembly and its committees.

PART 5—CHANGE IN COMPOSITION OF STATUTORY COMMITTEE

Provisions consolidated:

- | | |
|----------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"> • <i>Parliamentary Committees Act 1995, s 32</i> | <ul style="list-style-type: none"> Issues dealt with by previously constituted committees |
|----------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------|

Clause 105 provides that if a statutory committee changes before it finishes dealing with an issue, the newly constituted committee may continue and finish dealing with the issue as if it had dealt with the issue from the beginning. This clause applies even if the committees are constituted during different Parliaments.

CHAPTER 6—OTHER PROVISIONS ABOUT COMMITTEES

Provisions consolidated:

- | | |
|----------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"> • <i>Parliamentary Committees Act 1995, s 5</i> | <ul style="list-style-type: none"> Act does not limit the Assembly's powers |
| <ul style="list-style-type: none"> • <i>Parliamentary Committees Act 1995, s 24</i> | <ul style="list-style-type: none"> Ministerial response to committee reports |
| <ul style="list-style-type: none"> • <i>Parliamentary Committees Act 1995, s 33</i> | <ul style="list-style-type: none"> Annual report of committee |

The provisions in this chapter, whilst taken from the *Parliamentary Committees Act 1995*, apply to all committees of the Assembly; that is, statutory committees, authorised committees as defined in the dictionary and any other committee that may be established by the Assembly.

Clause 106 provides that the Act does not limit the Assembly's capacity to establish other committees. The Legislative Assembly can, by resolution, establish other committees (that is, for example, the method by which the Estimates Committees which examine the Government's proposed expenditure for the next year are established). Further, the Act

does not affect the power of Parliament to create other committees by other Acts of Parliament (such as the Parliamentary Crime and Misconduct Committee which is established under the *Crime and Misconduct Act 2001*).

Clause 107 of the Act requires the Minister responsible for the issue which is the subject of a committee's report to respond to the report when the committee has recommended action be taken by the Government. The clause also requires the Minister to respond when a committee's report recommends that the Government not take action on an issue. This clause also requires the Premier, or a Minister nominated by the Premier, to table a response to a report of the Members' Ethics and Parliamentary Privileges Committee which recommends that a motion be moved in the Assembly to implement a recommendation of that committee.

Clause 107 provides that the Minister must table his or her response within three months of the tabling of the committee's report. However, if a committee's report is not able to be analysed and considered appropriately by the Government within three months of the committee tabling the report (for example, because the report is very complex), clause 107 provides that:

- the Minister's response may be tabled within 6 months, rather than 3 months, of the committee tabling its report; and
- if this applies, the Minister must table an interim response within 3 months of the tabling of the report, together with reasons for not tabling the response within 3 months.

To demonstrate that the Government has considered the issues raised in the committee's report, the Minister is required to state:

- which recommendations, if any, have been accepted by the Government and the method and timing of their implementation; and
- which recommendations, if any, have been rejected by the Government and the reasons for their rejection.

Clause 107(1) provides that the Minister need not respond to a report of the Scrutiny of Legislation Committee. This provision was originally included in the *Parliamentary Committees Act 1995* because the strict time limits applying to the committee's review of Bills would not enable Ministers to respond in the manner envisaged by clause 107. Ministers will generally respond to the Scrutiny of Legislation Committee's reports (called Alert Digests) during parliamentary debate on the legislation.

However, clause 107(10) makes it clear that Ministers are not prevented from making a formal response to the Scrutiny of Legislation Committee's reports when it is practicable to do so.

Clause 108 requires each committee that has met and conducted business during the year to produce an annual report detailing their activities for the year within 4 months and 14 days after the end of each financial year. The clause also provides for the matters which must be included in the annual report. This clause is based on section 33 of the *Parliamentary Committees Act 1995*, but has been changed so that it applies to all committees of the Assembly that have met and conducted business during the year, not just statutory committees.

CHAPTER 7—MEMBERS' SALARIES

This chapter consolidates, by faithfully reproducing in modern language, the provisions of the *Parliamentary Members' Salaries Act 1988* which contain a statutory mechanism for determining the salary entitlements of members of the Assembly, with the exception of a number of spent provisions.

The salary of members of the Assembly is comprised of a base salary and various additional salaries that are payable to the holders of specified positions within the Assembly, Ministers and parliamentary secretaries. The *Parliamentary Members' Salaries Act 1988* provides that a member's base salary is automatically adjusted from time to time so that it is always \$500 less than the base salary of a member of the Commonwealth House of Representatives. The additional salaries are also automatically adjusted at the same time by the same percentage as the variation in the base salary.

Sections 2, 5 and 7 of the *Parliamentary Members' Salaries Act 1988* specify the dollar amount of a member's base salary and the various additional salaries payable on the commencement of that Act. As these provisions no longer reflect the salary entitlements of members, they have not been consolidated into the Bill. Instead of stating the salaries that members will be entitled to on the enactment of the Bill, members' current salaries have been preserved and the adjustment mechanism provisions from the *Parliamentary Members' Salaries Act 1988* have been consolidated into the Bill.

This chapter also consolidates sections 3 and 6 of the *Constitution Act Amendment Act 1896* which provide for:

- the salary entitlements of the Chairperson of Committees acting as the Speaker, a temporary Chairperson of Committees acting as the Chairperson of Committees and a Minister acting as another Minister who is entitled to a higher additional salary;
- when salaries are paid; and
- the withholding of a member's salary where it appears that a member's seat has become vacant when the Assembly is not sitting.

PART 1—SALARY OF MEMBERS

Provisions consolidated:

- | | |
|--------------------------------------------------------|--------------------------------|
| • <i>Parliamentary Members' Salaries Act 1988, s 3</i> | Adjustment of members' salary |
| • <i>Parliamentary Members' Salaries Act 1988, s 4</i> | Notification of rate of salary |

Clause 109 establishes the annual base salary entitlement for members of the Assembly at \$500 less than the annual base salary of a member of the Commonwealth House of Representatives. Members of the Assembly who are appointed to hold specified positions are also entitled to an additional salary component under part 2.

Clause 110 provides that any variation in a member's base salary is payable from the day the corresponding variation in the salary of a member of the House of Representatives takes effect.

Clause 111 provides that, as soon as practicable after each variation in a member's annual salary takes effect, a member's varied annual salary must be published in the gazette.

PART 2—ADDITIONAL SALARIES OF MEMBERS

Provisions consolidated:

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|---------------------------------------------------------------|-----------|
| • <i>Parliamentary Members' Salaries Act 1988, ss 5 to 11</i> | (Various) |
|---------------------------------------------------------------|-----------|

Clause 112 establishes a member's entitlement to an additional salary component for office holders in the Assembly, Ministers and parliamentary secretaries.

Clause 113 establishes how the amount of additional salary is determined on the enactment of the Bill. Clause 113(1) preserves the

amount of the additional salary payable to office holders in the Assembly and Ministers that those members were entitled to immediately before the commencement of the clause. Clause 113(2) is a faithful reproduction of section 10(1) of the *Parliamentary Members' Salaries Act 1988* which provides for the amount of additional salary payable to parliamentary secretaries to be fixed by the Governor in Council by gazette notice. The additional salaries for parliamentary secretaries to the Premier, the Deputy Premier and a Minister are currently fixed by *Parliamentary Members' Salary Notice (No. 2) 1996* which was published in the *Queensland Government Gazette* on 17 May 1996 at page 620.

Clause 114 limits a member's additional salary entitlement to only one additional salary where the member is:

- a Minister who holds more than one Ministerial office listed in clause 112(1)(b);
- an office holder in the Assembly and a parliamentary secretary;
or
- a Minister and an office holder in the Assembly.

Clause 115 provides for when a variation in a member's additional salary takes effect.

Clause 116 provides that the Chairperson of Committees is entitled to receive the additional salary of the Speaker if he or she acts as the Speaker for a continuous period of 30 days or more. This is instead of the member's additional salary as Chairperson of Committees, and not in addition to that additional salary.

Clause 117 provides that a temporary Chairperson of Committees is entitled to receive the additional salary of the Chairperson of Committees if he or she acts as the chairperson for a continuous period of 30 days or more.

Clause 118 provides that:

- a Minister is entitled to receive the additional salary of a Minister entitled to a higher additional salary if he or she acts in that other Minister's office for a continuous period of 30 days or more; and
- a member is entitled to receive the additional salary of a Minister if the member acts as a Minister for a continuous period of 30 days or more.

PART 3—WHEN SALARIES ARE PAID

Provisions consolidated:

- | | |
|---------------------------------------------------|----------------------------------------|
| • <i>Constitution Act Amendment Act 1896, s 3</i> | Salaries of office holders in assembly |
| • <i>Constitution Act Amendment Act 1896, s 6</i> | Allowances when to be paid |

Clause 119 provides that this part only applies for the purpose of deciding the period for which a salary or additional salary is payable.

Clause 120 sets out when a member's entitlement to be paid a salary as a member starts and ends.

Clause 121 sets out when a member's entitlement to be paid an additional salary under clause 112 starts and ends.

Clause 122 provides for a member's salary to be withheld if it appears to the Speaker that the member's seat has become vacant when the Assembly is not sitting.

Clause 123 provides that any amounts payable to a member under this part that the member has not drawn before the end of seven days after 1 July each year become part of the consolidated fund and the member is no longer entitled to the amounts.

CHAPTER 8—MISCELLANEOUS

Clause 124 enables the Governor in Council to make regulations.

CHAPTER 9—REPEALS, AMENDMENTS AND TRANSITIONAL PROVISIONS

The clauses in chapter 9 are largely machinery in nature to effect the repeal of legislation and to make incidental amendments to other legislation.

Part 1 (clause 125) repeals the *Constitution Act Amendment Act 1896*, the *Parliamentary Committees Act 1995*, the *Parliamentary Members' Salaries Act 1988* and the *Parliamentary Papers Act 1992*.

Part 2 (clauses 126-127) makes an incidental amendment to the *Acts Interpretation Act 1954* in view of clause 59.

Part 3 (clauses 128-129) makes an incidental amendment to the *Corrective Services Act 2000* in view of clause 40(4)(a).

Part 4 (clauses 130-131) makes an incidental amendment to the *Crime and Misconduct Act 2001* in relation to the Parliamentary Crime and Misconduct Committee to remove provisions that are unnecessary as the committee is an 'authorised committee' for the purposes of chapter 5, part 1 of this Bill.

Part 4 (clauses 130-131) makes an incidental amendment to the *Corrective Services Act 2000* in view of clause 40(4)(a).

Part 5 (clauses 132-133) makes incidental amendments to the *District Court Act 1967* in view of clause 64(3)(b).

Part 6 (clauses 134-135) makes an incidental amendment to the *Electoral Act 1992* in view of clause 64.

Part 7 (clauses 136-139) makes incidental amendments to the *Financial Administration and Audit Act 1977* (as amended by the *Ombudsman Act 2001*) to replace references to the repealed *Parliamentary Committees Act 1995* with references to this Bill.

Part 8 (clauses 140-142) makes incidental amendments to the *Freedom of Information Act 1992* (as amended by the *Ombudsman Act 2001*) to replace references to the repealed *Parliamentary Committees Act 1995* with references to this Bill.

Part 9 (clauses 143-144) makes an incidental amendment to the *Local Government Act 1993* in view of clause 72(1)(g).

Part 10 (clauses 145-149) makes incidental amendments to the *Ombudsman Act 2001* to remove provision for the office of the Ombudsman to be vacated on the office holder becoming a member of the Legislative Assembly in view of clause 67(1)(m) and to replace references to the repealed *Parliamentary Committees Act 1995* with references to this Bill.

Part 11 (clauses 150 to 151) makes consequential amendments to footnotes in the *Parliamentary Contributory Superannuation Act 1970* to

remove references to the *Parliamentary Members' Salaries Act 1988*, which is being repealed.

Part 12 (clauses 152 to 153) makes a consequential amendment to the *Police Powers and Responsibilities Act 2000* to signpost a responsibility placed on police officers by section 44 of the Parliament of Queensland Bill 2001.

Part 13 (clauses 154 to 160) contains transitional provisions.

SCHEDULE

The schedule contains a dictionary which defines particular words used in the Bill.