



Queensland

Constitution (Fixed Term Parliament) Amendment Bill 2015



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2015

A Bill

for

An Act to amend the *Constitution of Queensland 2001* to provide for fixed terms for the Legislative Assembly and to amend the *Constitution Act Amendment Act 1934* for particular purposes, and to repeal the *Constitution Act Amendment Act 1890*

[s 1]

**The Parliament of Queensland with the consent of the electors
of Queensland enacts—** 1
2

Part 1 Preliminary 3

Clause 1 Short title 4

This Act may be cited as the *Constitution (Fixed Term
Parliament) Amendment Act 2015*. 5
6

**Part 2 Amendment of Constitution of
Queensland 2001** 7
8

Clause 2 Act amended 9

This part amends the *Constitution of Queensland 2001*. 10

**Clause 3 Amendment of s 15 (Summoning, proroguing and
dissolving the Legislative Assembly)** 11
12

(1) Section 15(2), ‘or dissolve’— 13

omit. 14

(2) Section 15— 15

insert— 16

(3) The Governor may dissolve the Legislative
Assembly by proclamation or otherwise but only
under part 2A. 17
18
19

Clause 4 Omission of s 16 (Duration of Legislative Assembly) 20

Section 16— 21

omit. 1

Clause 5 Amendment of s 17 (Continuation of Legislative Assembly despite end of Sovereign's reign) 2
3

Section 17, 'section 15(2)'— 4

omit, insert— 5

section 15(3) 6

Clause 6 Insertion of new ch 2, pt 2A 7

After section 19— 8

insert— 9

**Part 2A Fixed terms for
Legislative Assembly** 10
11

19A Definitions for pt 2A 12

In this part— 13

general election means an election for the
members of the Legislative Assembly. 14
15

normal dissolution day see section 19C(2). 16

normal polling day see section 19C(1). 17

postponed polling day see section 19D(1). 18

19B Duration of Legislative Assembly 19

- (1) Every Legislative Assembly expires on the day
that is 4 years from the day the writ for the
general election was returned for the Assembly,
unless the Assembly is earlier dissolved under
section 19C, 19D or 19E. 20
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22
23
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[s 6]

- (2) If the Legislative Assembly expires under subsection (1), the Governor must immediately issue a writ for a general election. 1
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19C Normal term of Legislative Assembly 4

- (1) A general election must be held on the second Saturday in March in the fourth calendar year after the calendar year in which the last general election was held (the *normal polling day*). 5
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- (2) Subject to sections 19B(2), 19D and 19E, the Governor must dissolve the Legislative Assembly and issue a writ for a general election on the day (the *normal dissolution day*) that is 26 days before the normal polling day. 9
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19D Postponed dissolution of Legislative Assembly or polling day 14
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- (1) The Governor may at any time, by proclamation, order the polling day for a general election to be postponed to a Saturday not more than 35 days after the normal polling day (the *postponed polling day*) if— 16
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- (a) there are exceptional circumstances; and 21
- Examples of exceptional circumstances—* 22
- 1 An election for members of the House of Representatives or the Senate of the Commonwealth Parliament is to be held on the normal polling day. 23
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- 2 A natural disaster has affected such a wide area of the State that the conduct of an election on the normal polling day would be impracticable. 27
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29
- (b) the Premier recommends, and the Leader of the Opposition agrees to, the postponement. 30
31

-
- (2) The Governor may, by proclamation, postpone the dissolution of the Legislative Assembly and the issue of a writ for a general election if—
- (a) on or before the normal dissolution day, the Governor has ordered the postponement of the polling day under subsection (1); and
 - (b) the Legislative Assembly has not then expired under section 19B(1); and
 - (c) the Premier recommends, and the Leader of the Opposition agrees to, the postponement.
- (3) However, the Governor may not postpone the dissolution of the Legislative Assembly and the issue of a writ for a general election to a day later than the day on which the Legislative Assembly would expire under section 19B, or the day that is 26 days before the postponed polling day, whichever day occurs first.
- (4) If the Governor makes a proclamation under subsection (2), the Governor must dissolve the Legislative Assembly and issue a writ for a general election to be held on the postponed polling day under the proclamation.
- (5) Nothing in this section affects the operation of the *Electoral Act 1992*, section 100.
- Note—*
- The *Electoral Act 1992*, section 100 provides for the circumstances in which a poll may be adjourned.

19E Early dissolution of Legislative Assembly

- (1) The Governor must dissolve the Legislative Assembly and issue a writ for a general election if, before the normal dissolution day—
- (a) each of the following happens—

[s 6]

- (i) a motion of no confidence in the government has been passed, or a motion of confidence in the government has been defeated, in the Legislative Assembly; 1
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4
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- (ii) the Governor considers no government can be formed that will command the confidence of the majority of the Legislative Assembly; 6
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- (iii) at least 8 days have passed after the passage or defeat of the motion; or 10
11
- (b) the Legislative Assembly rejects a Bill for an ordinary annual appropriation Act; or 12
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- (c) the Legislative Assembly fails to pass a Bill for an ordinary annual appropriation Act before the day the Governor considers the appropriation is required. 14
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- (2) The Governor may, despite the advice of the Premier or Executive Council, dissolve the Legislative Assembly and issue a writ for a general election if the Governor could do so in accordance with established constitutional conventions. 18
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- (3) A writ issued under subsection (1) or (2) must state the polling day for the general election, which must be a Saturday not less than 26 days and not more than 56 days after the day of the issue of the writ. 24
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28
- (4) In this section— 29
ordinary annual appropriation Act see the 30
Financial Accountability Act 2009, section 6(2). 31

19F Calculating particular days for general election	1 2
(1) For the purpose of deciding the normal dissolution day under section 19C(2), the stated number of days includes—	3 4 5
(a) the normal polling day; and	6
(b) the normal dissolution day itself.	7
(2) For the purpose of deciding the postponed polling day under section 19D(1), the stated number of days includes—	8 9 10
(a) the normal polling day; and	11
(b) the postponed polling day itself.	12
(3) For the purpose of deciding the polling day under section 19E(3), the stated number of days includes—	13 14 15
(a) the day of issue of the writ; and	16
(b) the polling day itself.	17
(4) The <i>Acts Interpretation Act 1954</i> , section 38 does not apply for the purpose of deciding a day mentioned in subsections (1) to (3).	18 19 20
19G Special procedure for amending or repealing part	21 22
(1) An Act amending or repealing a provision of this part, including this section, must not be passed by the Legislative Assembly except in the way provided by this section.	23 24 25 26
(2) A Bill for an Act mentioned in subsection (1) must not be presented to the Governor for assent unless the Bill—	27 28 29
(a) has first been passed by the Legislative Assembly; and	30 31

[s 7]

	(b) has then been approved by a majority of electors who vote at a referendum held under subsection (3).	1 2 3
	(3) The referendum must—	4
	(a) submit the Bill to the electors who may vote at a referendum for the electors to approve the Bill or otherwise; and	5 6 7
	(b) be held on a Saturday decided by the Governor that is at least 2 months after the Bill is passed by the Legislative Assembly; and	8 9 10 11
	(c) be otherwise held—	12
	(i) in accordance with the <i>Referendums Act 1997</i> ; or	13 14
	(ii) in a way parliament otherwise prescribes.	15 16
	(4) If a majority of electors who vote approve the Bill, the Bill may be presented to the Governor for assent.	17 18 19
Clause 7	Insertion of new ch 9, pt 3	20
	After section 94—	21
	<i>insert—</i>	22
	Part 3	23
	Transitional provision for Constitution (Fixed Term Parliament) Amendment Act 2015	24 25 26
	94A Affected laws continue until completion of next general election	27 28
	(1) Despite the amending Act, the following laws continue to have effect until the relevant day as if	29 30

	the laws had not been amended or repealed by the amending Act—	1 2
	(a) this Act;	3
	(b) the <i>Constitution Act Amendment Act 1890</i> ;	4
	(c) the <i>Constitution Act Amendment Act 1934</i> , section 4.	5 6
	(2) In this section—	7
	<i>amending Act</i> means the <i>Constitution (Fixed Term Parliament) Amendment Act 2015</i> .	8 9
	<i>next general election</i> means the next election for the members of the Legislative Assembly held after the commencement of the amending Act.	10 11 12
	<i>relevant day</i> means the day on which the writ for the next general election is returned.	13 14
Clause 8	Omission of attachment 2	15
	Attachment 2—	16
	<i>omit.</i>	17
Part 3	Amendment of Constitution Act Amendment Act 1934	18 19
Clause 9	Act amended	20
	This part amends the <i>Constitution Act Amendment Act 1934</i> .	21
Clause 10	Omission of s 4 (Duration of Legislative Assembly not to be extended except in accordance with this section)	22 23
	Section 4—	24
	<i>omit.</i>	25

[s 11]

Part 4 **Repeal** 1

Clause 11 **Repeal** 2

The Constitution Act Amendment Act 1890 54 Vic No. 3 is
repealed. 3
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Authorised by the Parliamentary Counsel