



Queensland

Constitution of Queensland and Other Legislation Amendment Act 2016

Act No. 47 of 2016

**An Act to amend the Constitution of Queensland 2001 and the Parliament of
Queensland Act 2001 for particular purposes**

[Assented to 23 September 2016]



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Constitution of Queensland and Other Legislation Amendment Act 2016

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The Parliament of Queensland enacts—

Part 1 Preliminary

1 Short title

This Act may be cited as the *Constitution of Queensland and Other Legislation Amendment Act 2016*.

Part 2 Amendment of Constitution of Queensland 2001

2 Act amended

This part amends the *Constitution of Queensland 2001*.

2A Insertion of new s 4A

After section 4—

insert—

4A Particular amendments of this Act

- (1) This section applies to a Bill for an Act to amend this Act respecting the constitution, powers or procedure of the Parliament.

Note—

See the *Australia Act 1986* (Cwlth), section 6.

- (2) The Bill must not be presented to the Governor for assent unless the Bill has been passed by an absolute majority of the Legislative Assembly.
- (3) The Bill has no effect as an Act if assented to after presentation in contravention of subsection (2).

[s 3]

- (4) For deciding whether the Bill has been passed by an absolute majority of the Legislative Assembly—
- (a) if the Speaker of the Legislative Assembly or Deputy Speaker of the Legislative Assembly presiding exercises a casting vote in favour of the ‘ayes’, the casting vote is counted; and
- (b) if an absent member of the Legislative Assembly votes by proxy or another method allowed under an Act and the vote cast is in favour of the ‘ayes’, the vote is counted.
- (5) In this section—
- absolute majority*, of the Legislative Assembly, means a majority of the number of members of the Legislative Assembly under section 11.

3 Insertion of new ch 2, pt 5

Chapter 2—

insert—

Part 5 Portfolio committees and consideration of proposed legislation

26A Establishment of portfolio committees

- (1) The Legislative Assembly must, at the beginning of every session of the Legislative Assembly, establish at least 6 committees of the Legislative Assembly (*portfolio committees*).
- (2) The Legislative Assembly must allocate areas of responsibility to each portfolio committee that collectively cover all areas of government activity.

Note—

See also the *Parliament of Queensland Act 2001* for provisions about the membership and operation of portfolio committees.

- (3) This section does not limit the Legislative Assembly's power to establish committees and confer functions and powers on committees.

26B Requirement for proposed legislation to be considered by committees

- (1) The Legislative Assembly must ensure each Bill for an Act that is proposed for enactment is referred to a portfolio committee, or another committee of the Legislative Assembly, for examination by the committee.
- (2) The period of the referral must be at least 6 weeks from the date of the referral.
- (3) This section does not prevent the Legislative Assembly, by ordinary majority, doing any of the following under the standing rules and orders of the Legislative Assembly—
 - (a) declaring a Bill to be an urgent Bill;
 - (b) referring an urgent Bill to a committee for less than 6 weeks;
 - (c) for a Bill declared to be an urgent Bill after it is referred to a committee—discharging the Bill from the committee less than 6 weeks after the referral;
 - (d) deciding not to refer an urgent Bill to a committee before the Bill is passed by the Legislative Assembly.

26C Special provision for annual appropriation Bills

- (1) The Legislative Assembly must ensure each Bill

[s 4]

for an annual appropriation Act is referred to the portfolio committees for examination in a public hearing.

- (2) The referred Bill must be accompanied by any associated documentation tabled in the Legislative Assembly that—
 - (a) explains the appropriation the subject of the Bill; and
 - (b) includes estimates of the expenditure for the financial year of the departments of government to which the Bill relates, or the Legislative Assembly and parliamentary service, whichever is relevant.
- (3) In this section—

annual appropriation Act means an Act that appropriates an amount from the consolidated fund for departments of government, or the Legislative Assembly and parliamentary service, for a financial year.

Part 3 Amendment of Parliament of Queensland Act 2001

4 Act amended

This part amends the *Parliament of Queensland Act 2001*.

5 Amendment of s 11 (Standing rules and orders may be made)

Section 11(2), note—

omit.

6 Amendment of s 78 (Main object of ch 5 and its achievement)

Section 78(2)(b)—

omit, insert—

- (b) providing for the membership and operation of portfolio committees; and

7 Amendment of s 88 (Establishment)

Section 88(1)—

omit, insert—

- (1) The Assembly must, by standing rules and orders, establish committees as required under the *Constitution of Queensland 2001*, section 26A (*portfolio committees*).

8 Amendment of s 92 (Role generally)

Section 92(1)—

insert—

- (d) initiate an inquiry into any other matter it considers appropriate.

9 Insertion of new ch 10, pt 8

Chapter 10—

insert—

Part 8

**Constitution of
Queensland and Other
Legislation
Amendment Act 2016**

179 Continuation of existing portfolio committees

- (1) This section applies to a portfolio committee established under section 88 immediately before the commencement.
- (2) On the commencement, the portfolio committee is taken to be established as a committee of the Assembly under the *Constitution of Queensland 2001*, section 26A.

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