



Queensland

# Constitution (Fixed Term Parliament) Amendment Bill 2015





## Queensland

# Constitution (Fixed Term Parliament) Amendment Bill 2015

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# 2015

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## 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* and the *Electoral Act 1992* for particular purposes, and to repeal the *Constitution Act Amendment Act 1890***

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[s 1]

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**The Parliament of Queensland enacts—** 1

**Part 1 Preliminary** 2

**Clause 1 Short title** 3

This Act may be cited as the *Constitution (Fixed Term Parliament) Amendment Act 2015*. 4  
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**Part 2 Amendment of Constitution of Queensland 2001** 6  
7

**Clause 2 Act amended** 8

This part amends the *Constitution of Queensland 2001*. 9

**Clause 3 Amendment of s 15 (Summoning, proroguing and dissolving the Legislative Assembly)** 10  
11

(1) Section 15(2), ‘or dissolve’— 12  
*omit.* 13

(2) Section 15— 14  
*insert—* 15

(3) The Governor may dissolve the Legislative Assembly by proclamation or otherwise but only under part 2A. 16  
17  
18

**Clause 4 Omission of s 16 (Duration of Legislative Assembly)** 19

Section 16— 20  
*omit.* 21

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<b>Clause 5</b>	<b>Amendment of s 17 (Continuation of Legislative Assembly despite end of Sovereign’s reign)</b>	1 2
	Section 17, ‘section 15(2)’—	3
	<i>omit, insert</i> —	4
	section 15(3)	5
<b>Clause 6</b>	<b>Insertion of new ch 2, pt 2A</b>	6
	After section 19—	7
	<i>insert</i> —	8
	<b>Part 2A</b>	9
	<b>Fixed terms for Legislative Assembly</b>	10
	<b>19A Definitions for pt 2A</b>	11
	In this part—	12
	<i>general election</i> means an election for the members of the Legislative Assembly.	13 14
	<i>normal dissolution day</i> see section 19C(2).	15
	<i>normal polling day</i> see section 19C(1).	16
	<i>postponed polling day</i> see section 19D(1).	17
	<b>19B Duration of Legislative Assembly</b>	18
	(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.	19 20 21 22 23
	(2) If the Legislative Assembly expires under subsection (1), the Governor must immediately issue a writ for a general election.	24 25 26

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<b>19C Normal term of Legislative Assembly</b>	1
(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 <i>normal polling day</i> ).	2 3 4 5
(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 <i>normal dissolution day</i> ) that is 26 days before the normal polling day.	6 7 8 9 10
<b>19D Postponed dissolution of Legislative Assembly or polling day</b>	11 12
(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 <i>postponed polling day</i> ) if—	13 14 15 16 17
(a) there are exceptional circumstances; and	18
<i>Examples of exceptional circumstances—</i>	19
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.	20 21 22 23
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.	24 25 26
(b) the Premier recommends, and the Leader of the Opposition agrees to, the postponement.	27 28
(2) The Governor may, by proclamation, postpone the dissolution of the Legislative Assembly and the issue of a writ for a general election if—	29 30 31
(a) on or before the normal dissolution day, the Governor has ordered the postponement of the polling day under subsection (1); and	32 33 34



- 
- (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—
- (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;
- (ii) the Governor considers no government  
can be formed that will command the

[s 6]

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confidence of the majority of the Legislative Assembly;	1 2
(iii) at least 8 days have passed after the passage or defeat of the motion; or	3 4
(b) the Legislative Assembly rejects a Bill for an ordinary annual appropriation Act; or	5 6
(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.	7 8 9 10
(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.	11 12 13 14 15 16
(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.	17 18 19 20 21
(4) In this section— <i>ordinary annual appropriation Act</i> see the <i>Financial Accountability Act 2009</i> , section 6(2).	22 23 24
<b>19F Calculating particular days for general election</b>	25 26
(1) For the purpose of deciding the normal dissolution day under section 19C(2), the stated number of days includes—	27 28 29
(a) the normal polling day; and	30
(b) the normal dissolution day itself.	31

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- (2) For the purpose of deciding the postponed polling day under section 19D(1), the stated number of days includes—
- (a) the normal polling day; and
  - (b) the postponed polling day itself.
- (3) For the purpose of deciding the polling day under section 19E(3), the stated number of days includes—
- (a) the day of issue of the writ; and
  - (b) the polling day itself.
- (4) The *Acts Interpretation Act 1954*, section 38 does not apply for the purpose of deciding a day mentioned in subsections (1) to (3).

**19G Special procedure for amending or repealing part**

- (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.
- (2) A Bill for an Act mentioned in subsection (1) must not be presented to the Governor for assent unless the Bill—
- (a) has first been passed by the Legislative Assembly; and
  - (b) has then been approved by a majority of electors who vote at a referendum held under subsection (3).
- (3) The referendum must—
- (a) submit the Bill to the electors who may vote at a referendum for the electors to approve the Bill or otherwise; and

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	(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	1 2 3 4	
	(c) be otherwise held—	5	
	(i) in accordance with the <i>Referendums Act 1997</i> ; or	6 7	
	(ii) in a way parliament otherwise prescribes.	8 9	
	(4) If a majority of electors who vote approve the Bill, the Bill may be presented to the Governor for assent.	10 11 12	
<b>Clause 7</b>	<b>Insertion of new ch 9, pt 3</b>	13	
	After section 94—	14	
	<i>insert—</i>	15	
	<b>Part 3</b>	<b>Transitional provision for Constitution (Fixed Term Parliament) Amendment Act 2015</b>	16 17 18 19
	<b>94A Affected laws continue until completion of next general election</b>	20 21	
	(1) Despite the amending Act, the following laws continue to have effect until the relevant day as if the laws had not been amended or repealed by the amending Act—	22 23 24 25	
	(a) this Act;	26	
	(b) the <i>Constitution Act Amendment Act 1890</i> ;	27	
	(c) the <i>Constitution Act Amendment Act 1934</i> , section 4.	28 29	
	(2) In this section—	30	

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

[s 11]

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<b>Part 4</b>	<b>Amendment of Electoral Act 1992</b>	1
		2
<b>Clause 11</b>	<b>Act amended</b>	3
	This part amends the <i>Electoral Act 1992</i> .	4
<b>Clause 12</b>	<b>Amendment of s 82 (Writs by Governor)</b>	5
(1)	Section 82(1)(a), after ‘election’—	6
	<i>insert</i> —	7
	under the <i>Constitution of Queensland 2001</i> , chapter 2, part 2A	8 9
(2)	Section 82(2)—	10
	<i>omit</i> .	11
<b>Clause 13</b>	<b>Amendment of s 83 (Writs by Speaker)</b>	12
	Section 83(1)(a), ‘section 82(1)(b)’—	13
	<i>omit, insert</i> —	14
	section 82(b)	15
<b>Clause 14</b>	<b>Amendment of s 84 (Form and content of writs)</b>	16
(1)	Section 84(1)(d), from ‘which’—	17
	<i>omit, insert</i> —	18
	which must be—	19
	(i) for a writ for a general election—the polling day under the <i>Constitution of Queensland 2001</i> , section 19C, 19D or 19E; or	20 21 22 23
	(ii) for another writ—a Saturday not less than 26 days, nor more than 56 days, after the day of the issue of the writ;	24 25 26

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- (2) Section 84— 1  
*insert*— 2  
(4) However, subsections (2) and (3) do not apply to 3  
a polling day for a general election. 4  
*Note*— 5  
See the *Constitution of Queensland 2001*, section 19F. 6

- Clause 15 Amendment of s 86 (Change of time limits in writ)** 7  
Section 86— 8  
*insert*— 9  
(5) Subsection (1)(a) does not apply to a polling day 10  
for a general election. 11

- Clause 16 Insertion of new pt 13, div 9** 12  
Part 13— 13  
*insert*— 14  
**Division 9 Transitional provision for** 15  
**Constitution (Fixed Term** 16  
**Parliament) Amendment** 17  
**Act 2015** 18

- 427 Amendments do not apply until completion of** 19  
**next general election** 20  
(1) Despite the amending Act, this Act continues to 21  
have effect until the relevant day as if this Act 22  
had not been amended by the amending Act. 23  
(2) In this section— 24  
*amending Act* means the *Constitution (Fixed* 25  
*Term Parliament) Amendment Act 2015*. 26

[s 17]

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*next general election* means the next general election held after the commencement of the amending Act. 1  
2  
3

*relevant day* means the day on which the writ for the next general election is returned. 4  
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## **Part 5**                      **Repeal** 6

### **Clause 17**            **Repeal** 7

The Constitution Act Amendment Act 1890 54 Vic No. 3 is repealed. 8  
9

Authorised by the Parliamentary Counsel