



Queensland

# **Constitution (Fixed Term Parliament) Amendment Bill 2015**

**Includes amendments agreed during Consideration**





## Queensland

# Constitution (Fixed Term Parliament) Amendment Bill 2015

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# 2015

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## A Bill

for

**An Act to provide for fixed four-year terms for the Legislative  
Assembly in Queensland**

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[s 1]

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## The Parliament of Queensland with the consent of the electors of Queensland enacts—

### Part 1 Preliminary

#### 1 Short title

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

#### 1A Commencement

- (1) This Act commences on the date of the instrument by which the Governor summons the Legislative Assembly after the next general election.
- (2) In this section—  
*next general election* means the first election for the members of the Legislative Assembly held after the date of assent of this Act.

### Part 2 Amendment of Constitution of Queensland 2001

#### 2 Act amended

This part amends the *Constitution of Queensland 2001*.

#### 2A Amendment of s 3 (Object)

- (1) Section 3, note, ‘*Constitution Act Amendment Act 1890*, section 2’—

*omit.*

- (2) Section 3, note, ‘sections 3 and 4’—

*omit, insert—*

section 3

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

- (1) Section 15(2), ‘or dissolve’—

*omit.*

- (2) Section 15—

*insert—*

- (3) The Governor may dissolve the Legislative Assembly, by proclamation or otherwise, under part 2A.

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

Section 16—

*omit.*

**5 Amendment of s 17 (Continuation of Legislative Assembly despite end of Sovereign’s reign)**

Section 17, ‘under section 15(2)’—

*omit, insert—*

by the Governor

**6 Insertion of new ch 2, pt 2A**

After section 19—

*insert—*

## **Part 2A**                      **Duration of the Legislative Assembly**

### **19A Definitions for this part**

In this part—

*Assembly* means the Legislative Assembly.

*extraordinary general election* means a general election held after the dissolution of the Assembly—

- (a) under section 19E; or
- (b) following an exercise of the Governor's reserve powers under established constitutional conventions.

*general election* means an election for the members of the Assembly.

*Leader of the Opposition* means the member recognised in the Assembly as the Leader of the Opposition.

*normal dissolution day* see section 19C(1).

*normal polling day* see section 19B(1).

*ordinary general election* means a general election other than an extraordinary general election.

*postponed polling day* see section 19B(3).

### **19B Polling day for ordinary general election**

- (1) The *normal polling day* for an ordinary general election is the last Saturday in October in the following year—
  - (a) if the last general election was an ordinary general election—the fourth calendar year



after the calendar year in which the last general election was held;

- (b) if the last general election was an extraordinary general election—the third calendar year after the calendar year in which the last general election was held.
- (2) Each ordinary general election must be held on the normal polling day unless the Governor orders a postponement under subsection (3).
- (3) The Governor may at any time, by proclamation, order the polling day for an ordinary general election to be postponed to a Saturday not more than 35 days after the normal polling day (the *postponed polling day*) if—
- (a) there are exceptional circumstances; and
- Examples of exceptional circumstances—*
- 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.
  - 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.
- (b) the Premier recommends, and the Leader of the Opposition agrees to, the postponement.
- (4) For the purpose of deciding the postponed polling day under subsection (3), the stated number of days includes—
- (a) the normal polling day; and
- (b) the postponed polling day itself.
- (5) Subsection (3) does not affect the operation of any provision of another Act about adjourning a poll at a place because of an emergency.

### **19C Normal dissolution day**

- (1) The day that is 26 days before the normal polling day is the *normal dissolution day*.
- (2) On the normal dissolution day, the Governor must dissolve the Assembly and issue a writ for a general election.
- (3) Subsection (2) applies unless the Governor has already dissolved the Assembly under this part or has postponed dissolution under section 19D.
- (4) For the purpose of deciding the normal dissolution day under subsection (1), the stated number of days includes—
  - (a) the normal polling day; and
  - (b) the normal dissolution day itself.

### **19D Postponed dissolution**

- (1) The Governor may, by proclamation, postpone the dissolution of the Assembly and the issue of a writ for a general election if—
  - (a) the Governor has ordered the postponement of the polling day under section 19B(3); and
  - (b) the Premier recommends, and the Leader of the Opposition agrees to, the postponement.
- (2) The dissolution may not be postponed to a day later than—
  - (a) the day that is 26 days before the postponed polling day; or
  - (b) the day on which the Assembly would expire under section 19H.
- (3) The proclamation must state—
  - (a) the day to which the dissolution has been postponed; and

- (b) that the Assembly is dissolved on that day.
- (4) On the day the Assembly is dissolved, the Governor must issue a writ for a general election.

### **19E Extraordinary dissolution**

- (1) The Governor may dissolve the Assembly and issue a writ for a general election if, before the normal dissolution day—
  - (a) each of the following happens—
    - (i) a no confidence motion is passed, or a confidence motion is defeated, in the Assembly;
    - (ii) a confidence motion is not passed in the Assembly within 8 days after the passage or defeat of the motion mentioned in subparagraph (i);
    - (iii) the Governor considers no government can be formed that will command the confidence of a majority of the Assembly; or
  - (b) the Assembly rejects a Bill for an ordinary annual appropriation Act; or
  - (c) the Assembly fails to pass a Bill for an ordinary annual appropriation Act before the day notified by the Governor, by a message given to the Assembly, that the appropriation is required.
- (2) In this section—

*confidence motion* means a motion in the form ‘That this House has confidence in the government’.

*no confidence motion* means a motion in the form ‘That this House has no confidence in the government’.

[s 6]

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*ordinary annual appropriation Act* means an Act that appropriates an amount from the consolidated fund for departments of government for a financial year.

### **19F Writ for extraordinary general election**

- (1) A writ for an extraordinary general election must state the polling day for the election.
- (2) The stated polling day must be a Saturday not less than 26 days and not more than 40 days after the day of the issue of the writ.
- (3) For the purpose of deciding the polling day under subsection (2), the stated number of days includes—
  - (a) the day of issue of the writ; and
  - (b) the polling day itself.

### **19G Reserve powers not affected**

This part does not affect the exercise of the Governor's reserve powers under established constitutional conventions.

### **19H Expiry of Assembly**

- (1) The Assembly expires on the day that is 4 years from the day the writ for the general election was returned for the Assembly if the Governor has not already dissolved the Assembly under this part.
- (2) If the Assembly expires, the Governor must immediately issue a writ for a general election.

**19I Special procedure for amending or repealing this part**

- (1) This section applies in relation to a Bill for an Act amending or repealing a provision of this part (including this section).
- (2) The Bill may be presented to the Governor for assent only if the Bill—
  - (a) has first been passed by the Assembly; and
  - (b) has then been approved by a majority of electors who vote at a referendum—
    - (i) held on a Saturday at least 2 months after the Bill is passed by the Assembly; and
    - (ii) otherwise held in the way prescribed by an Act.
- (3) The Bill has no effect as an Act if assented to after presentation in contravention of subsection (2).

**7 Insertion of new ch 9, pt 3**

After section 94—

*insert—*

**Part 3 Transitional provision  
for Constitution (Fixed  
Term Parliament)  
Amendment Act 2015**

**94A Last general election**

For the purposes of chapter 2, part 2A, the last general election held before the commencement of that part is taken to have been an extraordinary general election.

[s 8]

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**8 Omission of attachment 2**

Attachment 2—

*omit.*

**Part 3 Amendment of Constitution Act  
Amendment Act 1934**

**9 Act amended**

This part amends the *Constitution Act Amendment Act 1934*.

**9A Amendment of preamble**

Preamble, from ‘And whereas, pursuant to an Act’—

*omit.*

**10 Omission of s 4 (Duration of Legislative Assembly not to be extended except in accordance with this section)**

Section 4—

*omit.*

**Part 4 Repeal**

**11 Repeal**

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