

Queensland



**PARLIAMENTARY
MEMBERS (OFFICE OF
PROFIT) AMENDMENT BILL
1999**

Queensland



**PARLIAMENTARY MEMBERS (OFFICE
OF PROFIT) AMENDMENT BILL 1999**

TABLE OF PROVISIONS

Section		Page
	PART 1—PRELIMINARY	
1	Short title	4
	PART 2—AMENDMENT OF LEGISLATIVE ASSEMBLY ACT 1867	
2	Act amended in pt 2	4
3	Amendment of s 7A (Eligibility of members to hold offices etc.)	4
4	Amendment of s 7B (Eligibility of members to perform services)	5
5	Omission of s 7C	6
6	Amendment of s 7D (Meaning of expressions)	6
	PART 3—AMENDMENT OF OFFICIALS IN PARLIAMENT ACT 1896	
7	Act amended in pt 3	7
8	Amendment of s 5 (Government officers not to sit in Legislative Assembly except as mentioned)	7

1999

A BILL

FOR

An Act to amend the *Legislative Assembly Act 1867* and the *Officials in Parliament Act 1896*

*Parliamentary Members (Office of Profit)
Amendment*

The Parliament of Queensland enacts—

1

PART 1—PRELIMINARY

2

Short title

3

Clause **1.** This Act may be cited as the *Parliamentary Members (Office of Profit) Amendment Act 1999*.

4

5

**PART 2—AMENDMENT OF LEGISLATIVE
ASSEMBLY ACT 1867**

6

7

Act amended in pt 2

8

Clause **2.** This part amends the *Legislative Assembly Act 1867*.

9

Amendment of s 7A (Eligibility of members to hold offices etc.)

10

Clause **3.(1)** Section 7A(4)(a)—

11

omit, insert—

12

‘(a) any office or place of profit under the Crown or any position of the prescribed description if—

13

14

(i) an Act requires or expressly permits that the office, place or position be held by a member of the Assembly, however described; or

15

16

17

(ii) when the office, place or position is held by a member of the Assembly, neither the member nor any other person is entitled to or is entitled to and receives any fee or other reward on account of the member holding the office, place or position; or’.

18

19

20

21

22

Parliamentary Members (Office of Profit)
Amendment

- (2) Section 7A(4)(c)— 1
omit. 2
- (3) Section 7A— 3
insert— 4
- ‘(5) For subsection (4)(a)(ii), a member is not to be taken to be entitled to a fee or reward if the member irrevocably waives for all legal purposes the entitlement to the fee or reward. 5
6
7
- ‘(6) For a waiver under subsection (5), the member must, as soon as practicable after becoming aware of the entitlement— 8
9
- (a) waive the entitlement in writing; and 10
(b) give a copy of the waiver to the Speaker.’. 11

Amendment of s 7B (Eligibility of members to perform services) 12

- Clause 4.(1) Section 7B(1)(a), ‘or any expenses’— 13
omit. 14
- (2) After section 7B(3)(b)— 15
omit, insert— 16
- ‘(b) the transaction of business or performance of a duty or service for the Crown or a Crown instrumentality or a body representing the Crown if— 17
18
19
- (i) an Act requires or expressly permits a member of the Assembly to so transact that business or so perform that service or duty; or 20
21
22
- (ii) neither the member nor any other person is entitled to or is entitled to and receives any fee or other reward on account of the member transacting the business or performing the service or duty; or’. 23
24
25
26
- (3) Section 7B— 27
insert— 28
- ‘(4) For subsection (3)(b)(ii), a member is not to be taken to be entitled 29

Parliamentary Members (Office of Profit)
Amendment

to a fee or reward if the member irrevocably waives for all legal purposes the entitlement to the fee or reward.

‘(5) For a waiver under subsection (4), the member must, as soon as practicable after becoming aware of the entitlement—

(a) waive the entitlement in writing; and

(b) give a copy of the waiver to the Speaker.

‘(6) For subsection (1)(b), the question whether the member should continue as a member of the Legislative Assembly may be determined only after the transaction of the business or the performance of the duty or service for the Crown or the Crown instrumentality or the body representing the Crown happens.’.

Omission of s 7C

Clause 5. Section 7C—
omit.

Amendment of s 7D (Meaning of expressions)

Clause 6.(1) Section 7D(1), ‘In sections 7A and 7C—’—
omit, insert—

‘In section 7A—’.

(2) Section 7D(3)—

omit, insert—

‘(3) In sections 7A and 7B—

“**fee or other reward**” does not include reasonable expenses actually incurred by or for the member for any 1 or more of the following—

(a) accommodation;

(b) meals;

(c) domestic air travel;

Parliamentary Members (Office of Profit)
Amendment

- (d) taxi fares or public transport charges; 1
- (e) motor vehicle hire.’. 2

PART 3—AMENDMENT OF OFFICIALS IN 3 PARLIAMENT ACT 1896 4

Act amended in pt 3 5

Clause 7. This part amends the *Officials in Parliament Act 1896*. 6

Amendment of s 5 (Government officers not to sit in Legislative 7 Assembly except as mentioned) 8

Clause 8.(1) After section 5(1A)— 9
insert— 10

‘(1B) Also, subsection (1) does not prevent a member who holds an 11
office or place of profit under the Crown sitting or voting as a member of 12
the Legislative Assembly if, when holding the office or place, neither the 13
member nor any other person is entitled to or is entitled to and receives any 14
fee or other reward on account of the member holding the office or place.’. 15

(2) Section 5— 16

insert— 17

‘(5) For subsection (1B), a member is not to be taken to be entitled to a 18
fee or reward if the member irrevocably waives for all legal purposes the 19
entitlement to the fee or reward. 20

‘(6) For a waiver under subsection (5), the member must, as soon as 21
practicable after becoming aware of the entitlement— 22

- (a) waive the entitlement in writing; and 23
- (b) give a copy of the waiver to the Speaker. 24

Parliamentary Members (Office of Profit)
Amendment

- ‘(7) In this section— 1
- “**fee or other reward**” does not include reasonable expenses actually 2
incurred by or for the member for any 1 or more of the following— 3
- (a) accommodation; 4
 - (b) meals; 5
 - (c) domestic air travel; 6
 - (d) taxi fares or public transport charges; 7
 - (e) motor vehicle hire.’. 8