



Queensland

# **Parliamentary Service and Other Acts Amendment Act 2011**

**Act No. 24 of 2011**





## Queensland

# Parliamentary Service and Other Acts Amendment Act 2011

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Queensland

## **Parliamentary Service and Other Acts Amendment Act 2011**

### **Act No. 24 of 2011**

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**An Act to amend the Acts Interpretation Act 1954, the Auditor-General Act 2009, the Financial Accountability Act 2009, the Legislative Standards Act 1992, the Parliamentary Service Act 1988 and the Parliament of Queensland Act 2001 for particular purposes**

**[Assented to 9 August 2011]**

[s 1]

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## The Parliament of Queensland enacts—

### Part 1 Preliminary

#### 1 Short title

This Act may be cited as the *Parliamentary Service and Other Acts Amendment Act 2011*.

#### 2 Commencement

This Act commences on a day to be fixed by proclamation.

### Part 2 Amendment of Acts Interpretation Act 1954

#### 3 Act amended

This part amends the *Acts Interpretation Act 1954*.

#### 4 Amendment of s 14B (Use of extrinsic material in interpretation)

Section 14B(3), definition *extrinsic material*, paragraph (f)—  
*omit, insert—*

‘(f) the speech made to the Legislative Assembly by the member when introducing the Bill; and

*Editor’s note—*

See section 53 in relation to Bills introduced before the commencement of that section.’.



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**5 Insertion of new s 53**

After section 52—

*insert—*

**‘53 Transitional—extrinsic material—speech in  
Legislative Assembly**

- ‘(1) This section applies in relation to a Bill introduced in the Legislative Assembly before the commencement of this section.
- ‘(2) A reference in section 14B(3), definition *extrinsic material*, paragraph (f) to a speech made to the Legislative Assembly by the member when introducing the Bill is taken to be a reference to a speech made to the Legislative Assembly by the member in moving a motion that the Bill be read a second time.’.

**Part 3 Amendment of Auditor-General  
Act 2009**

**6 Act amended**

This part amends the *Auditor-General Act 2009*.

**7 Amendment of s 9 (Appointment of auditor-general)**

Section 9(3)—

*omit.*

**8 Replacement of s 10 (Duration of appointment)**

Section 10—

*omit, insert—*

[s 9]

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**‘10 Duration of appointment**

‘The appointment of the auditor-general is for a fixed, non-renewable term of 7 years.’.

**9 Amendment of s 12 (Declaration of interests)**

Section 12(1), note—

*omit.*

**10 Amendment of s 19 (Suspension of auditor-general when Legislative Assembly not sitting)**

(1) Section 19(5), ‘subsection (3)(a)’—

*omit, insert—*

‘subsection (4)(a)’.

(2) Section 19(6), ‘subsection (4)’—

*omit, insert—*

‘subsection (5)’.

**11 Amendment of pt 3 (Audit of consolidated fund and public sector entities)**

Part 3, heading, from ‘of’—

*omit, insert—*

‘**mandate**’.

**12 Amendment of s 30 (Auditor-general to audit consolidated fund and public sector entities unless exempted)**

Section 30(3)(a)—

*omit, insert—*

‘(a) a public sector entity exempted from audit by the auditor-general—

- (i) under section 30A; or
- (ii) under a regulation made under section 31; or’.

### 13 Insertion of new s 30A

After section 30—

*insert—*

#### ‘30A Exemption of public sector entities from audit by auditor-general under s 30

- ‘(1) The auditor-general may, by written notice given to a public sector entity, exempt the public sector entity from audit by the auditor-general for a financial year under section 30.
- ‘(2) The auditor-general may grant the exemption only if the auditor-general is reasonably satisfied that the audit of the public sector entity for the financial year is small in size and of low risk having regard to a general standard mentioned in section 58(1)(a)(iii).
- ‘(3) If the auditor-general grants the exemption, the public sector entity must engage an appropriately qualified person to audit the public sector entity for the financial year.
- ‘(4) For the purposes of auditing the public sector entity—
  - (a) the person engaged to audit the public sector entity (the ***engaged auditor***) has all the powers of an authorised auditor; and
  - (b) this Act and other Acts apply to the engaged auditor as if the engaged auditor were an authorised auditor.
- ‘(5) The engaged auditor must give the certified annual financial statements and a report on the audit to—
  - (a) if the public sector entity is a department—the accountable officer of the department; or
  - (b) otherwise—the chief executive officer or chairperson of the public sector entity.

[s 13]

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- ‘(6) The public sector entity must give the auditor-general any document about the audit of the public sector entity requested by the auditor-general.
- ‘(7) A notice under subsection (1) may exempt a public sector entity for a maximum of 3 financial years.
- ‘(8) However, more than 1 notice may be made under subsection (1) for a public sector entity.
- ‘(9) The auditor-general may repeal an exemption granted to a public sector entity under subsection (1) by written notice given to the public sector entity.
- ‘(10) A valid exercise of a function or power under an exemption continues to be valid despite the exemption being revoked.
- ‘(11) A list of public sector entities granted an exemption under subsection (1) must be published by the auditor-general on the website of the audit office.
- ‘(12) This section does not prevent the auditor-general from performing any of the functions or exercising any of the powers of the auditor-general under this Act for the audit of a public sector entity granted an exemption under subsection (1).
- ‘(13) In this section—
- appropriately qualified person***, to audit a public sector entity, means—
- (a) a member of CPA Australia who is entitled to use the letters ‘CPA’ or ‘FCPA’ and holds a current public practice certificate issued by CPA Australia; or
  - (b) a member of the Institute of Chartered Accountants in Australia who is entitled to use the letters ‘CA’ or ‘FCA’ and holds a current certificate of public practice issued by the institute; or
  - (c) a member of the Institute of Public Accountants who is entitled to use the letters ‘MIPA’ or ‘FIPA’ and holds a professional practice certificate issued by the institute.’.

**14 Amendment of s 32 (Exemption of foreign-based controlled entities and other controlled entities from audit by auditor-general)**

Section 32(1)(c), from ‘with, other’—

*omit, insert—*

‘with—

- (i) other public sector entities that have been exempted from being audited by the auditor-general under section 30A; or
- (ii) other public sector entities that have been exempted from being audited by the auditor-general under a regulation made under section 31; or
- (iii) other controlled entities that have been exempted from being audited by the auditor-general under paragraph (a), (b) or (d);’.

**15 Amendment of s 34 (Auditor-general to be appointed auditor of every company public sector entity)**

(1) Section 34(2)(a) and (b)—

*renumber* as section 34(2)(b) and (c).

(2) Section 34(2)—

*insert—*

‘(a) a company granted an exemption from audit by the auditor-general under section 30A; or’.

**16 Insertion of new s 36A**

Part 3, division 1—

*insert—*

[s 17]

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### **‘36A Auditor-general may conduct audit of matters**

- ‘(1) The auditor-general may conduct an audit of a matter relating to property that is, or was, held or received by a public sector entity and given to a non-public sector entity.
- ‘(2) The object of conducting the audit includes deciding whether the property has been applied economically, efficiently and effectively for the purposes for which it was given to the non-public sector entity.

*Note—*

Property includes money. See the *Acts Interpretation Act 1954*, section 36.

- ‘(3) If the auditor-general conducts an audit under subsection (1), the auditor-general must apply the general standards set out in the auditor-general’s report mentioned in section 58.’.

## **17 Insertion of new s 37A**

After section 37—

*insert—*

### **‘37A Performance audit of public sector entities**

- ‘(1) The auditor-general may conduct an audit (a *performance audit*) of all or any particular activities of a public sector entity.
- ‘(2) The performance audit may be conducted as a separate audit or as part of another audit, including an audit of another public sector entity under this section.
- ‘(3) The object of the performance audit includes deciding whether the objectives of the public sector entity are being achieved economically, efficiently and effectively and in compliance with all relevant laws.
- ‘(4) When conducting the performance audit, the auditor-general must have regard to the prescribed requirements that apply to the entity.
- ‘(5) The auditor-general must not question the merits of policy objectives of the State or a local government, including—

- 
- (a) a decision of Cabinet; and
  - (b) a direction of a Minister; and
  - (c) a policy statement in the budget papers of the State or a local government; and
  - (d) a document evidencing a policy decision of Cabinet or a Minister; and
  - (e) a document evidencing a policy decision of a local government.
- ‘(6) The auditor-general may conduct a performance audit of the activities of a public sector entity that is a GOC or controlled entity of a GOC only if—
- (a) the Legislative Assembly requested the audit by resolution; or
  - (b) the parliamentary committee, the Treasurer or an appropriate Minister requested the audit in writing.
- ‘(7) This section does not prevent the auditor-general from asking the parliamentary committee, the Treasurer or an appropriate Minister to make a particular request under subsection (6).
- ‘(8) In this section—
- annual appropriation Act* see the *Financial Accountability Act 2009*, section 6.
- budget papers* means the budget papers of the State tabled in Parliament with an annual appropriation Act.’.

## 18 Amendment of s 38 (Audit of performance management systems)

- (1) Section 38(1) and (2), ‘public sector entity’—  
*omit, insert—*  
‘GOC or a controlled entity of a GOC’.
- (2) Section 38(3) and (4), ‘public sector entity’—  
*omit, insert—*

[s 19]

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‘GOC or the controlled entity’.

(3) Section 38(5)—

*omit.*

(4) Section 38(6), from ‘public’—

*omit, insert—*

‘performance measures of the GOC or the controlled entity.’.

(5) Section 38(7)(b), from ‘public’—

*omit, insert—*

‘performance of the GOC or the controlled entity.’.

(6) Section 38(6) and (7)—

*renumber* as section 38(5) and (6).

## 19 Insertion of new s 38A

After section 38—

*insert—*

### ‘38A Preparation of strategic audit plans for performance audits

- ‘(1) The auditor-general must prepare a plan (a *strategic audit plan*) for audits under sections 37A and 38 that the auditor-general proposes to conduct in the next 3 years.
- ‘(2) When preparing the strategic audit plan, the auditor-general must consult with the parliamentary committee and any relevant entity and prepare a draft of the strategic audit plan.
- ‘(3) The auditor-general must give the draft of the strategic audit plan to the parliamentary committee.
- ‘(4) The parliamentary committee must return the draft of the strategic audit plan with any comments to the auditor-general within 42 days of receiving the draft.
- ‘(5) The auditor-general must consider any comments made by the parliamentary committee when finalising the strategic audit plan.



- 
- ‘(6) The strategic audit plan must be finalised before the end of each financial year.
- ‘(7) The strategic audit plan must be published by the auditor-general on the website of the audit office.
- ‘(8) No person is to direct the auditor-general in relation to the content of the strategic audit plan.
- ‘(9) In this section—  
*relevant entity* means—
- (a) a public sector entity that the auditor-general proposes to include in a draft of the strategic audit plan; or
  - (b) a portfolio committee for a public sector entity mentioned in paragraph (a).’.

**20 Amendment of s 40 (Audit of public sector entities)**

Section 40(4), ‘auditor-general’s’—  
*omit, insert—*  
‘auditor’s’.

**21 Insertion of new s 42A**

After section 42—  
*insert—*

**‘42A Auditor-general may conduct joint audit**

‘The auditor-general may conduct an audit jointly, or in collaboration, with the auditor-general of the Commonwealth or another State if the auditor-general reasonably believes the Commonwealth or other State has an interest in the audit.’.

**22 Amendment of s 46 (Access to documents and property)**

- (1) Section 46(2) and (3), ‘For’—  
*omit, insert—*

[s 23]

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‘Subject to subsection (5), for’.

(2) Section 46—

*insert—*

‘(4A) For the purpose of conducting an audit under section 36A, subsections (2) and (3)(a)(i) and (ii) do not apply to a non-public sector entity subject to audit.’.

(3) Section 46(4A) to (7)—

*renumber* as section 46(5) to (8).

## **23 Amendment of s 53 (Confidentiality and related matters)**

(1) Section 53(2), ‘the information’—

*omit, insert—*

‘the protected information’.

(2) Section 53(3), before ‘information’—

*insert—*

‘protected’.

(3) Section 53(3)(a), after ‘committee’—

*insert—*

‘or a portfolio committee’.

(4) Section 53(3)—

*insert—*

‘(e) if the auditor-general conducts an audit jointly, or in collaboration, with the auditor-general of the Commonwealth or another State under section 42A—the auditor-general of the Commonwealth or other State.’.

(5) Section 53(6), definition *protected information*—

*omit, insert—*

‘***protected information*** means information, observations, comments, suggestions or notations that—

- 
- (a) are not publicly available; and
  - (b) are disclosed to, obtained by or made by a person to whom this section applies in relation to an audit that has been, is being or will be conducted under this Act; and
  - (c) are relevant to the audit.’.

## **24 Amendment of s 54 (Report on audit)**

- (1) Section 54(4)(c), after ‘if they’—  
*insert*—  
‘otherwise’.
- (2) Section 54(4)(c)—  
*renumber* as section 54(4)(d).
- (3) Section 54(4)—  
*insert*—  
‘(c) if they arose out of an audit of a matter under section 36A—
  - (i) for a report relating to a public sector entity—to the accountable officer, chief executive officer or chairperson of the public sector entity; and
  - (ii) to any other person whom the auditor-general considers to have a special interest in the report; or’.

## **25 Amendment of s 58 (Reports on auditing standards)**

- Section 58(1)(a)—  
*insert*—  
‘(iii) a decision whether an audit of a public sector entity for a financial year is small in size and of low risk; and’.

[s 26]

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**26 Amendment of s 60 (Annual reports on audits of public sector entities)**

(1) Section 60, before subsection (1)—

*insert—*

‘(1A) This section does not apply to an audit of a matter under section 36A.’.

(2) Section 60(2)(b) to (d)—

*renumber* as section 60(2)(c) to (e).

(3) Section 60(2)—

*insert—*

‘(b) if the public sector entity was granted an exemption under section 30A for the relevant financial year—state that the public sector entity was granted an exemption under section 30A and the reasons for the exemption; and’.

(4) Section 60(1A) to (2)—

*renumber* as section 60(1) to (3).

**27 Insertion of new s 61A**

After section 61—

*insert—*

**‘61A Reports on audit of matters**

‘(1) If the auditor-general conducts an audit of a matter under section 36A, the auditor-general must prepare a report to the Legislative Assembly setting out the reasons for conducting the audit and the results of the audit.

‘(2) If the auditor-general proposes to make an adverse comment about a non-public sector entity in the report, the auditor-general must not make the proposed adverse comment unless, before the report is prepared, the auditor-general gives the non-public sector entity an opportunity to make submissions about the proposed adverse comment.

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*Note—*

See also section 65.

- ‘(3) If the non-public sector entity makes submissions and the auditor-general still proposes to make the adverse comment, the auditor-general must ensure the non-public sector entity’s submissions, or a fair statement of them, are included in the report.’.

## **28 Amendment of s 64 (Comments on proposed audit reports)**

- (1) Section 64—

*insert—*

- ‘(3A) If the auditor-general gives written advice of the matter under subsection (2) or (3), the auditor-general must as soon as practicable give a copy of the written advice to the Premier.’.

- (2) Section 64(4), after ‘auditor-general’—

*insert—*

‘by a person mentioned in subsection (3)’.

- (3) Section 64(3A) to (6)—

*renumber* as section 64(4) to (7).

## **29 Amendment of s 65 (Proposed audit report to remain confidential)**

- (1) Section 65, heading, ‘audit report’—

*omit, insert—*

**‘reports’.**

- (2) Section 65, after ‘section 64’—

*insert—*

‘, or a proposed report, or part of a proposed report, of the auditor-general under section 61A.’.

[s 30]

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**30 Amendment of s 66 (Procedure for reporting certain sensitive information)**

Section 66(1), ‘a public sector entity’—

*omit, insert—*

‘an entity’.

**31 Insertion of new pt 7, div 3**

Part 7—

*insert—*

**‘Division 3 Transitional provisions for the Parliamentary Service and Other Acts Amendment Act 2011**

**‘87 First strategic audit plan to be prepared**

‘The first strategic audit plan to be prepared under section 38A must be finalised before either 1 July 2012 or another date agreed between the auditor-general and the parliamentary committee.

**‘88 Existing audits of performance management systems**

‘(1) This section applies if, before the commencement—

(a) the auditor-general started an audit of performance management systems of a public sector entity other than a GOC or controlled entity of a GOC under section 38; and

(b) the audit has not been finished.

‘(2) On the commencement, the auditor-general may finish the audit as if section 38 had not been amended by the *Parliamentary Service and Other Acts Amendment Act 2011*.

‘(3) In this section—

*commencement* means the commencement of this section.

**‘89 Duration of appointment of auditor-general not affected**

‘(1) This section applies to the appointment of the auditor-general that was in force immediately before the replacement of section 10 by the *Parliamentary Service and Other Acts Amendment Act 2011*.

‘(2) The appointment continues in force until the end of the term stated in the auditor-general’s instrument of appointment or the appointment otherwise ends under this Act.

‘(3) The person holding the appointment can not be reappointed under section 10.’.

**32 Amendment of sch (Dictionary)**

(1) Schedule, definition *auditor-general’s report*—  
*omit.*

(2) Schedule—  
*insert—*

*‘non-public sector entity* means an entity that is not a public sector entity.

*portfolio committee* see the *Parliament of Queensland Act 2001*, schedule.’.

[s 33]

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## **Part 4    Amendment of Financial Accountability Act 2009**

### **33       Act amended**

This part amends the *Financial Accountability Act 2009*.

### **34       Amendment of s 62 (Annual financial statements)**

Section 62(1)(c), ‘by the auditor-general’—

*omit, insert—*

‘as required under the *Auditor-General Act 2009*’.

### **35       Amendment of s 66 (Legislative Assembly and parliamentary service)**

Section 66(2), ‘or parliamentary service, including the role of the Speaker’—

*omit, insert—*

‘, or the role of the Committee of the Legislative Assembly under the *Parliamentary Service Act 1988* relating to the parliamentary service, including those roles’.

## **Part 5    Amendment of Legislative Standards Act 1992**

### **36       Act amended**

This part amends the *Legislative Standards Act 1992*.



**37 Amendment of s 22 (Explanatory note must be tabled with Bill or subordinate legislation)**

Section 22(1)—

*omit, insert—*

- ‘(1) When introducing a Bill in the Legislative Assembly, a member must circulate to members an explanatory note for the Bill.’.

**Part 6 Amendment of Parliamentary Service Act 1988**

**38 Act amended**

This part amends the *Parliamentary Service Act 1988*.

**39 Amendment of s 4 (Definitions)**

Section 4—

*insert—*

‘*CLA* means the Committee of the Legislative Assembly under the *Parliament of Queensland Act 2001*.

*function* includes power.

*Office of the Speaker* means the administrative unit within the parliamentary service established to directly support the Speaker in performing the Speaker’s functions, including by providing secretarial, administrative and executive support services.’.

**40 Insertion of new ss 4A and 4B**

Part 1—

*insert—*

[s 40]

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#### **‘4A Roles of CLA, Speaker and Clerk**

- ‘(1) This Act provides for the management of Parliament by conferring particular administrative functions on the CLA, the Speaker and the Clerk.
- ‘(2) The functions of the CLA and the Clerk under this Act do not limit the Speaker’s functions under—
  - (a) section 50; or
  - (b) the *Parliament of Queensland Act 2001*; or
  - (c) the standing rules and orders.
- ‘(3) Apart from conferring particular administrative functions on the CLA and the Clerk, nothing in this Act derogates from any power, right or immunity traditionally held or exercised by the Speaker on behalf of the Legislative Assembly.

*Example—*

The Speaker’s traditional role as the guardian of the powers, rights and immunities of the Legislative Assembly and the Speaker’s ability to seek to intervene in proceedings as the guardian of the powers, rights and immunities of the Legislative Assembly are not affected by this Act.

#### **‘4B Performance of CLA’s functions under this Act after expiry or dissolution of Legislative Assembly**

- ‘(1) This section applies on the expiry or dissolution of the Legislative Assembly.
- ‘(2) For this Act—
  - (a) the CLA continues in existence until the end of the day before the polling day; and
  - (b) from the polling day until the time mentioned in subsection (3), the functions of the CLA are to be performed by the Clerk in accordance with the policies decided by the CLA before the polling day.
- ‘(3) The Clerk stops performing the functions of the CLA for this Act when, at a meeting of the Legislative Assembly after the polling day, the Legislative Assembly is informed of the

appointment of the office holders mentioned in *Parliament of Queensland Act 2001*, section 81(1)(a) to (f).

‘(4) In this section—

*polling day*, in relation to an expiry or dissolution, means the polling day for the general election next held after the expiry or dissolution.’.

**41 Amendment of pt 2 (Administrative functions of the Speaker)**

Part 2, heading, after ‘the’—

*insert—*

‘**CLA and**’.

**42 Amendment of s 5 (Administration under Speaker’s control)**

(1) Section 5, heading—

*omit, insert—*

**‘5 CLA to decide policies about parliamentary accommodation and services’.**

(2) Section 5, ‘Speaker has the control of’—

*omit, insert—*

‘CLA is responsible for deciding policies about’.

**43 Amendment of s 6 (Speaker’s role for parliamentary service)**

(1) Section 6, heading, ‘Speaker’s’—

*omit, insert—*

‘**CLA’s**’.

(2) Section 6(1), ‘Speaker’—

*omit, insert—*

[s 44]

---

‘CLA’.

(3) Section 6(1)(d)—

*omit.*

(4) Section 6(1)(e)—

*renumber* as section 6(1)(d).

(5) Section 6(2)—

*omit, insert—*

‘(2) The CLA must ensure the Speaker is given the necessary administrative and other support to enable the Speaker to perform the Speaker’s functions efficiently and effectively.

‘(3) The CLA must consult with the Speaker before deciding a matter affecting the Speaker or the Legislative Assembly chamber.

*Examples—*

The CLA must consult with the Speaker before deciding a matter relating to—

- the budget for the Office of the Speaker
- staffing resources for the Legislative Assembly chamber on sitting days
- capital works in, or maintenance of, the Legislative Assembly chamber.

‘(4) The Clerk and the parliamentary service officers and employees must follow the reasonable directions of the Speaker relating to the operation of the Legislative Assembly or the Speaker’s functions relating to the Legislative Assembly.’.

#### **44 Amendment of s 7 (Speaker’s powers for administrative functions)**

Section 7(1), ‘, including the Speaker’s role in relation to the parliamentary service’—

*omit.*

**45 Amendment of s 8 (Delegation by Speaker)**

(1) Section 8, heading—

*omit, insert—*

**‘8 Delegations’.**

(2) Section 8, ‘powers’—

*omit, insert—*

‘functions’.

(3) Section 8—

*insert—*

‘(2) Subject to subsection (3), the CLA may delegate its functions under this Act to a member of the CLA, the Speaker, the Deputy Speaker, the Clerk or a parliamentary service officer or employee.

‘(3) The CLA may not delegate its function of—

(a) deciding major policies to guide the operation and management of the parliamentary service; or

(b) deciding the remuneration, conditions of employment and other benefits given to the Clerk.’.

**46 Omission of s 9 (Advisory committee to Speaker)**

Section 9—

*omit.*

**47 Amendment of s 10 (Speaker’s annual report)**

(1) Section 10, heading, ‘Speaker’s’—

*omit, insert—*

‘**CLA’s**’.

(2) Section 10, ‘Speaker’—

[s 48]

---

*omit, insert—*

‘CLA’.

**48 Amendment of s 18 (The Clerk of the Parliament)**

Section 18(2), before ‘Speaker’—

*insert—*

‘CLA and the’.

**49 Amendment of s 20 (Functions of the Clerk of the Parliament as chief executive of parliamentary service)**

(1) Section 20, ‘Speaker’—

*omit, insert—*

‘CLA’.

(2) Section 20—

*insert—*

‘(3) The Clerk is to be the employing authority, for the Legislative Assembly, of parliamentary service officers and employees.’.

**50 Insertion of new s 20A**

After section 20—

*insert—*

**‘20A Parliamentary precinct and other parliamentary accommodation under Clerk’s control**

‘The Clerk has the control of the parliamentary precinct and accommodation supplied elsewhere by the Legislative Assembly for its members, subject to any relevant policies of the CLA.

*Note—*

The Speaker’s functions under section 50 are not limited by the Clerk’s function under this section. See section 4A(2).’.

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**51 Amendment of s 22 (Performance of functions of the Clerk of the Parliament in the Clerk's absence)**

(1) Section 22(1)(a), ‘, powers and duties’—

*omit.*

(2) Section 22(1)(b), ‘, power or duty’—

*omit.*

(3) Section 22(1)(b)(ii), ‘Speaker’—

*omit, insert—*

‘CLA’.

(4) Section 22(2), ‘, duty or power’—

*omit.*

**52 Amendment of s 24 (Functions of parliamentary service)**

Section 24(2), ‘Speaker’—

*omit, insert—*

‘CLA’.

**53 Amendment of s 25 (Delegation by Clerk as chief executive of parliamentary service)**

Section 25, ‘powers’—

*omit, insert—*

‘functions’.

**54 Replacement of s 26 (Appointment of officers of and employees in the parliamentary service)**

Section 26—

*omit, insert—*

[s 55]

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**‘26 Appointment of parliamentary service officers and employees**

- ‘(1) The Clerk may appoint appropriately qualified and competent persons as—
- (a) officers or officers on probation of the parliamentary service; or
  - (b) employees in the parliamentary service.
- ‘(2) The Speaker may appoint appropriately qualified and competent persons as—
- (a) officers or officers on probation of the parliamentary service in the Office of the Speaker; or
  - (b) employees in the parliamentary service in the Office of the Speaker.’.

**55 Amendment of s 26AA (Electorate office staff)**

Section 26AA(1), ‘Speaker’—  
*omit, insert—*  
‘Clerk’.

**56 Amendment of s 27 (Bases of employment of officers in parliamentary service)**

- (1) Section 27(1)(b), ‘Speaker’—  
*omit, insert—*  
‘Clerk’.
- (2) Section 27(3), ‘Speaker’—  
*omit, insert—*  
‘CLA’.

**57 Amendment of s 28 (Conditions of employment on contract)**

Section 28(1), (2) and (4), ‘Speaker’—



*omit, insert—*  
'Clerk'.

**58 Amendment of s 29 (Salaries and conditions of employment)**

(1) Section 29(1), 'determined by the Speaker.'—

*omit, insert—*

'decided—

(a) for the Clerk—by the CLA; or

(b) for parliamentary service officers and employees—by the Clerk.'

(2) Section 29(3)—

*renumber* as section 29(4).

(3) Section 29—

*insert—*

'(2) The CLA must ensure the remuneration, conditions of employment and other benefits given to the Clerk are comparable to those of State officers and employees who have similar duties.

'(3) The Clerk must ensure the remuneration, conditions of employment and other benefits given to parliamentary service officers and employees are comparable to those of State officers and employees who have similar duties.'

**59 Amendment of s 31 (Contributions by Speaker)**

Section 31, 'Speaker'—

*omit, insert—*

'Clerk'.

[s 60]

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**60 Amendment of s 32 (Vacancies to be advertised)**

Section 32(2)(b), ‘Speaker’—

*omit, insert—*

‘CLA’.

**61 Amendment of s 35 (Appointment on probation)**

Section 35(4)(a) and (b), ‘Speaker’—

*omit, insert—*

‘Clerk’.

**62 Amendment of s 37 (Retirement from parliamentary service)**

Section 37(3) and (4), ‘Speaker’—

*omit, insert—*

‘Clerk’.

**63 Amendment of s 38 (Mode of resignation or retirement)**

Section 38, ‘Speaker’—

*omit, insert—*

‘CLA’.

**64 Amendment of s 39 (Retrenchment)**

Section 39(1) and (2), ‘Speaker’—

*omit, insert—*

‘Clerk’.

**65 Amendment of s 40 (Discipline)**

(1) Section 40(1)(f), ‘Speaker’—

*omit, insert—*

‘Clerk’.

- (2) Section 40(4), after ‘consist of’—

*insert—*

‘1 or more of the following’.

- (3) Section 40(4)(a) and (b)—

*omit, insert—*

‘(a) dismissal;’.

## **66 Amendment of s 41 (Suspension)**

- (1) Section 41(1), ‘Speaker that an officer of the parliamentary service’—

*omit, insert—*

‘Clerk that a parliamentary service officer or employee’.

- (2) Section 41(1), ‘officer’s services are continued, the officer may be suspended from duty by the Speaker’—

*omit, insert—*

‘officer’s or employee’s services are continued, the officer or employee may be suspended from duty by the Clerk’.

- (3) Section 41(2)—

*omit.*

- (4) Section 41(3)—

*omit, insert—*

- ‘(3) A suspension imposed on a person under subsection (1) may be lifted at any time by the Clerk.’.

- (5) Section 41(4) and (5), ‘Speaker’—

*omit, insert—*

‘Clerk’.

[s 67]

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**67 Amendment of s 42 (Mode of dismissal or suspension)**

Section 42(2) and (3)—

*omit, insert—*

- ‘(2) Dismissal or suspension of an officer or employee must be effected by writing signed by the Clerk and given to the officer or employee.’.

**68 Amendment of s 43 (Appeals against promotional appointments and disciplinary action)**

Section 43, ‘Speaker’—

*omit, insert—*

‘CLA’.

**69 Amendment of s 44 (Reinstatement following dismissal)**

Section 44, ‘Speaker’—

*omit, insert—*

‘CLA’.

**70 Replacement of s 49 (Officers of and employees in parliamentary service are employees in industrial law)**

Section 49—

*omit, insert—*

**‘49 Clerk and parliamentary service officers and employees are employees in industrial law**

- ‘(1) Each parliamentary service officer or employee who receives salary or wages (other than on a contract basis) is an employee and the Clerk is his or her employer within the meaning of the *Industrial Relations Act 1999* and that Act applies to them accordingly.
- ‘(2) The Clerk is an employee and the Speaker is the Clerk’s employer within the meaning of the *Industrial Relations Act 1999* and that Act applies to them accordingly.’.

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**71 Amendment of s 55 (Rules)**

Section 55(1), ‘Speaker’—

*omit, insert—*

‘CLA’.

**72 Amendment of s 59 (Effect of rule amendment)**

Section 59, ‘Speaker’—

*omit, insert—*

‘CLA’.

**73 Insertion of new pt 7, div 3**

Part 7—

*insert—*

**‘Division 3 Transitional provisions for  
Parliamentary Service and Other  
Acts Amendment Act 2011**

**‘60 Definitions for div 3**

‘In this division—

*commencement* means the commencement of the provision in which the term is used.

*former*, in relation to a provision, means as in force before the amendment or repeal of the provision by the *Parliamentary Service and Other Acts Amendment Act 2011*.

**‘61 Annual reports**

- ‘(1) Former section 10 applies to the Speaker in relation to the last financial year ending before the commencement if an annual report for that financial year was not prepared and tabled under that section before the commencement.

[s 73]

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- ‘(2) Also, if the commencement happens during a financial year other than on 1 July—
  - (a) former section 10 applies to the Speaker in relation to the part of the financial year before the commencement; and
  - (b) section 10 applies to the CLA for the part of the financial year from the commencement.
- ‘(3) A single report may be given under subsections (1) and (2)(a).

**‘62 Parliamentary service officers and employees**

- ‘(1) This section applies to a person who, immediately before the commencement, was employed by the Speaker as an officer or officer on probation of the parliamentary service or an employee in the parliamentary service.
- ‘(2) The employment continues under this Act as employment by the Clerk.

**‘63 Approval of office open to part-time employment**

- ‘(1) This section applies to an approval in force under former section 27(1)(b) immediately before the commencement.
- ‘(2) The approval continues in force as if it had been given by the Clerk under section 27(1)(b).

**‘64 Declaration of office open to appointment on contract**

- ‘(1) This section applies to a declaration in force under former section 27(3) immediately before the commencement.
- ‘(2) The declaration continues in force as if it had been made by the CLA under section 27(3).

---

**‘65 Conditions of employment on contract**

- ‘(1) An approval that was in force under former section 28(1)(a) immediately before the commencement continues in force as if it had been given by the Clerk under section 28(1)(a).
- ‘(2) A contract of employment between the Speaker and a person that was in force under former section 28(1)(b) or (2) immediately before the commencement continues in force as a contract between the Clerk and the person.

**‘66 Approval of code of conduct**

- ‘(1) This section applies to an approval in force under former section 40(1)(f) immediately before the commencement.
- ‘(2) The approval continues in force as if it had been given by the Clerk under section 40(1)(f).

**‘67 Suspension from duty**

- ‘(1) This section applies to a suspension from duty in force under former section 41 immediately before the commencement.
- ‘(2) The suspension continues in force as if it had been made by the Clerk under section 41(1).

**‘68 Rules**

- ‘(1) This section applies to a rule in force under former section 55 immediately before the commencement.
- ‘(2) The rule continues in force as if it had been made by the CLA under section 55.
- ‘(3) For the purpose of applying the *Statutory Instruments Act 1992*, part 7, subsection (2) does not affect the day on which the rule was made.’.

[s 74]

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## **Part 7**                                      **Amendment of Parliament of Queensland Act 2001**

### **74 Act amended**

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

### **75 Amendment of s 5 (Relationship between this Act and some other Acts about Parliament)**

Section 5(6), before ‘Speaker’—

*insert—*

‘Committee of the Legislative Assembly and the’.

### **76 Amendment of s 84 (Areas of responsibility)**

Section 84—

*insert—*

*Note—*

The committee also has functions under the *Parliamentary Service Act 1988*.

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