

*I hereby certify that this PUBLIC BILL has finally passed the  
Legislative Assembly of Queensland.*

*Legislative Assembly Chamber,  
Brisbane,*

*[Signature]*  
*The Clerk of the Parliament.*

*1 June*

*2015*

*In the name and on behalf of the Queen, I assent to this Bill.*

*[Signature]*

*Government House,*

*Brisbane,*

*1st June*

*2015*



Queensland

**No. 3 of 2015**  
**A BILL for**

**An Act to amend the Financial Accountability Act 2009, the Parliamentary Service Act 1988, the Parliament of Queensland Act 2001 and the Queensland Independent Remuneration Tribunal Act 2013 for particular purposes**



## Queensland

# Parliament of Queensland and Other Acts Amendment Bill 2015

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# 2015

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## A Bill

for

***An Act to amend the *Financial Accountability Act 2009*, the *Parliamentary Service Act 1988*, the *Parliament of Queensland Act 2001* and the *Queensland Independent Remuneration Tribunal Act 2013* for particular purposes***

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[s 1]

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**The Parliament of Queensland enacts—**

## **Part 1 Preliminary**

### **1 Short title**

This Act may be cited as the *Parliament of Queensland and Other Acts Amendment Act 2015*.

## **Part 2 Amendment of Financial Accountability Act 2009**

### **2 Act amended**

This part amends the *Financial Accountability Act 2009*.

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

Section 66(2)—

*omit, insert—*

- (2) This section does not limit or otherwise interfere with the role of the Speaker relating to the Legislative Assembly or parliamentary service, including the role of the Speaker in relation to the Clerk of the Parliament.

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## **Part 3                      Amendment of Parliamentary Service Act 1988**

### **4            Act amended**

This part amends the *Parliamentary Service Act 1988*.

### **5            Amendment of s 4 (Definitions)**

Section 4, definitions *CLA* and *Office of the Speaker*—  
*omit.*

### **6            Omission of ss 4A and 4B**

Sections 4A and 4B—  
*omit.*

### **7            Replacement of pt 2 (Administrative functions of the CLA and Speaker)**

Part 2—  
*omit, insert—*

## **Part 2                      Administrative functions of the Speaker**

### **5            Administration under Speaker's control**

The Speaker has the control of—

- (a) accommodation and services in the parliamentary precinct; and
- (b) accommodation and services supplied elsewhere by the Legislative Assembly for its members.



[s 7]

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## **6 Speaker's role for parliamentary service**

The general role of the Speaker in relation to the parliamentary service is to—

- (a) decide major policies to guide the operation and management of the parliamentary service; and
- (b) prepare budgets; and
- (c) decide the size and organisation of the parliamentary service and the services to be supplied by the parliamentary service; and
- (d) supervise the management and delivery of services by the parliamentary service.

## **7 Speaker's powers for administrative functions**

- (1) This section declares the powers and legal capacity of the Speaker in performing the administrative functions of the Speaker's office, including the Speaker's role in relation to the parliamentary service.
- (2) The powers include all the powers, and the legal capacity, that an individual has in a private capacity.
- (3) The powers may be exercised at any place.
- (4) The powers are exercised for the Legislative Assembly.
- (5) This section does not limit the Speaker's powers.

*Example—*

This part does not affect any power the Speaker has apart from this section to bind the Legislative Assembly by contract.

## **8 Delegation by Speaker**

The Speaker may delegate the Speaker's functions under this Act to the Deputy Speaker, the Clerk or a parliamentary service officer or employee.

## **9 Advisory committee to Speaker**

- (1) The Speaker may establish a committee of members of the Legislative Assembly (the *advisory committee*) to advise the Speaker on issues arising under this Act referred to it by the Speaker.
- (2) The advisory committee consists of the members appointed by the Speaker.
- (3) This section is subject to the standing rules and orders.

## **10 Speaker's annual report**

As soon as possible after the end of each financial year, the Speaker must prepare, and table in the Legislative Assembly, a report on this Act's operation during the year.

## **8 Amendment of s 18 (The Clerk of the Parliament)**

Section 18(2), 'the CLA and'—  
*omit.*

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

Section 20(1) and (2), 'CLA'—  
*omit, insert—*

Speaker

[s 10]

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**10 Omission of s 20A (Parliamentary precinct and other parliamentary accommodation under Clerk's control)**

Section 20A—

*omit.*

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

Section 22(1)(b)(i) and (ii)—

*omit, insert—*

- (i) if the Clerk is temporarily absent—by a parliamentary service officer or employee to whom the function has been delegated under section 25; or
- (ii) otherwise—by an officer appointed for the time being by the Speaker.

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

Section 24(2), 'CLA'—

*omit, insert—*

Speaker

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

Section 27(3), 'CLA'—

*omit, insert—*

Speaker

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

Section 29(1)(a) and (2), 'CLA'—

*omit, insert—*

Speaker

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

Section 32(2)(b), 'CLA'—

*omit, insert—*

Speaker

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

Section 38, 'CLA'—

*omit, insert—*

Speaker

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

Section 43, 'CLA'—

*omit, insert—*

Speaker

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

Section 44, 'CLA'—

*omit, insert—*

Speaker

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

Section 55(1), 'CLA'—

*omit, insert—*

Speaker

[s 20]

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## **20 Insertion of new pt 7, div 4**

Part 7—

*insert—*

### **Division 4                      Transitional provisions for Parliament of Queensland and Other Acts Amendment Act 2015**

#### **69 Definitions for div 4**

In this division—

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

*former*, in relation to a provision, means as in force before the amendment of the provision by the *Parliament of Queensland and Other Acts Amendment Act 2015*.

#### **70 Annual reports**

- (1) Former section 10 applies to the CLA 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.
- (2) Also, if the commencement happens during a financial year other than on 1 July—
  - (a) former section 10 applies to the CLA in relation to the part of the financial year before the commencement; and
  - (b) section 10 applies to the Speaker for the part of the financial year from the commencement.

- (3) If subsections (1) and (2)(a) apply, the CLA may prepare a single report under those subsections.
- (4) If subsection (2) applies, the CLA and the Speaker may prepare a single report under subsection (2)(a) and (b).

## **71 Appeals against promotional appointments and disciplinary action**

- (1) This section applies in relation to an appeal made to the CLA under former section 43 before the commencement that, immediately before the commencement, had not been finally dealt with.
- (2) The appeal is taken to have been made to the Speaker under section 43.
- (3) For the purposes of the appeal, anything done before the commencement by or in relation to the CLA under former section 43 has effect as if it had been done by or in relation to the Speaker under section 43.

## **72 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 Speaker 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 21]

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## **Part 4                      Amendment of Parliament of Queensland Act 2001**

### **21        Act amended**

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

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

Section 5(6), ‘Committee of the Legislative Assembly and the’—  
*omit.*

### **23        Amendment of s 79 (Definitions for ch 5)**

Section 79—

*insert—*

***cross bench member*** means a member of the Assembly who is neither a government member nor an opposition member.

***government member*** means a member of the Assembly who is a member of a political party recognised in the Assembly as being in government.

***non-government member*** means an opposition member or a cross bench member.

***opposition member*** means a member of the Assembly who is a member of a political party recognised in the Assembly as being in opposition.

### **24        Amendment of s 81 (Membership)**

(1) Section 81(1), all words before subsection (1)(a)—

*omit, insert—*

- (1) If no member of the Assembly is a cross bench member, the committee comprises the following 7 members—
- (2) Section 81(2)—  
*renumber* as section 81(3).
- (3) Section 81—  
*insert*—
  - (2) If any member of the Assembly is a cross bench member, the committee comprises 8 members, being the members mentioned in subsection (1)(a) to (g) and—
    - (a) if only 1 member of the Assembly is a cross bench member—that member; or
    - (b) if 2 or more members of the Assembly are cross bench members—
      - (i) a cross bench member nominated by the Leader of the House under section 81A; or
      - (ii) another cross bench member nominated by the cross bench member mentioned in subparagraph (i) to be that member's alternate.
- (4) Section 81(3)—  
*insert*—  
  

***cross bench member*** does not include the Speaker.

## **24A Insertion of new s 81A**

After section 81—  
*insert*—



[s 25]

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### **81A Nomination of cross bench member**

- (1) If there is a vacancy in the membership of the committee under section 81(2)(b)(i)—
  - (a) the members of the Assembly who are cross bench members must—
    - (i) choose, by majority, a cross bench member to be the nominee for membership of the committee; and
    - (ii) advise the Leader of the House in writing of their choice; and
  - (b) the Leader of the House must nominate the chosen member to be a member of the committee.
- (2) The Leader of the House does not have a vote in any process used by the cross bench members to choose a member under subsection (1)(a)(i).
- (3) However, if at least 2 sitting days have elapsed since the vacancy arose and the cross bench members have not complied with subsection (1)(a), the Leader of the House may choose a cross bench member and nominate that member.
- (4) In this section—  
*cross bench member* does not include the Speaker.

## **25 Replacement of s 83 (Meetings)**

Section 83—

*omit, insert—*

### **83 Meetings**

- (1) This section applies to a meeting of the committee.
- (2) The Speaker is responsible for calling the meeting and setting the agenda.

- (3) A quorum is—
  - (a) if the committee includes a cross bench member under section 81(2)—5 members; or
  - (b) otherwise—4 members.
- (4) A question is decided by a majority of the votes of the members present and voting.
- (5) Each member present has a vote on each question to be decided and, if the votes are equal, the Speaker has a casting vote.

**26 Amendment of s 84 (Areas of responsibility)**

- (1) Section 84—

*insert—*

- (e) any matter referred to the committee by the Speaker.

- (2) Section 84, at the end, note—

*omit.*

**27 Omission of s 90 (Definitions for div 2)**

Section 90—

*omit.*

**28 Amendment of schedule (Dictionary)**

- (1) Schedule, definitions *government member* and *non-government member*—

*omit.*

- (2) Schedule—

*insert—*

[s 29]

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*cross bench member*, for chapter 5, see section 79.

*government member*, for chapter 5, see section 79.

*non-government member*, for chapter 5, see section 79.

*opposition member*, for chapter 5, see section 79.

## **Part 5**

# **Amendment of Queensland Independent Remuneration Tribunal Act 2013**

### **29 Act amended**

This part amends the *Queensland Independent Remuneration Tribunal Act 2013*.

### **30 Amendment of s 31 (When determination to be made)**

Section 31—

*insert—*

- (3) Subsection (2) does not apply to a determination about a member's salary entitlement.

### **31 Insertion of new ss 31A and 31B**

Part 3, division 1—

*insert—*

### **31A Determinations about salary entitlements following public service salary decisions**

- (1) The tribunal may not make a determination about a member's salary entitlement unless a public service salary decision is made.
- (2) Within 90 days after a public service salary decision is made, the tribunal must make a determination about members' salary entitlements.
- (3) The determination may not increase a member's salary entitlement by a rate that is higher than the rate of increase to the salary or wage of a departmental employee under the public service salary decision.
- (4) If the determination increases a member's salary entitlement, the determination must provide for the increase to take effect, or to have taken effect, on the same day the increase to the salary or wage of a departmental employee takes or took effect under the public service salary decision.
- (5) In this section—

***departmental employee*** means a public service employee employed to work in the administrative stream in the department.

***directive*** see the *Public Service Act 2008*, schedule 4.

***industrial instrument*** see the *Public Service Act 2008*, schedule 4.

***public service salary decision*** means an industrial instrument or directive that includes provision about the salary or wage of a departmental employee.

***salary entitlement*** means an entitlement to—

- (a) an annual salary under section 41; or

[s 32]

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- (b) an additional salary under section 42.

### **31B Particular determinations about additional salary entitlements**

- (1) The tribunal may make a determination about the additional salary entitlement for an office if—
  - (a) it is the first determination about the entitlement since the office was approved by resolution of the Assembly to be an office to which section 42 applies; or
  - (b) the tribunal is satisfied—
    - (i) there has been a change to the role, functions or responsibilities of a member holding the office; and
    - (ii) the current additional salary entitlement for the office, relative to the current additional salary entitlements for other offices to which section 42 applies, is no longer appropriate.
- (2) Section 31A does not apply to a determination under subsection (1).
- (3) In this section—  
*additional salary entitlement*, for an office, means the entitlement of a member holding the office to an additional salary under section 42.

### **32 Amendment of s 68 (Liability to repay overpayment)**

Section 68(6), definition *prescribed rate of interest*—  
*omit.*

### **33 Insertion of new pt 6, div 4**

Part 6—

*insert—*

## **Division 4                      Revocation and transitional provisions for Parliament of Queensland and Other Acts Amendment Act 2015**

### **71    Definitions for div 4**

In this division—

*member* means a member of the Assembly.

*public service salary decision* see section 31A(5).

### **72    Retrospective revocation of Determination 7/2015**

Determination 7/2015 made by the tribunal on 5 March 2015 is of no effect and is taken to have never had effect.

### **73    Liability to repay overpayment**

- (1) The purpose of this section is to enable the recovery of any overpayments made to members for the period from 6 April 2015 until the day this section commences (the *transitional period*), consequent on the retrospective revocation of Determination 7/2015 under section 72.

*Note—*

Determination 7/2015 stated that it took effect on 6 April 2015.

- (2) For this section—
- (a) a member's *actual remuneration* is the amount of remuneration received by the member for the transitional period; and

[s 33]

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- (b) a member's **entitlement** is the amount of remuneration to which the member was entitled, under this Act as affected by section 72, for the transitional period; and
  - (c) an **overpayment** is an amount by which a member's actual remuneration is more than the member's entitlement.
- (3) A person who was a member at any time during the transitional period is liable to repay any overpayment received by the person.
- (4) The Clerk may recover the overpayment by deducting the amount, or the amount in instalments, from the fortnightly salary payable to the person.
- (5) If the person stopped or stops being a member on or after 6 April 2015 and any part of the overpayment is unpaid after the day (the **relevant day**) that is 6 months after the day the person stopped or stops being a member, the prescribed rate of interest is payable on the unpaid amount on and from the day after the relevant day.
- (6) The overpayment together with any interest payable under subsection (5) may, with the Premier's approval, be recovered by the Clerk as a debt owing to the State.
- (7) A certificate signed by the Clerk stating any of the following is evidence of the matter stated—
  - (a) that a person was a member who had received an overpayment of a stated amount in relation to a stated period;
  - (b) that under this section the person is liable to repay a stated amount of the overpayment and any accrued interest;
  - (c) that the person at a stated date had not paid a stated amount the person is liable to repay under this section.

**74 Determination about salary entitlements in response to particular decision before commencement**

- (1) This section applies if a public service salary decision was made on or after the introduction day and before the day this section commences.
- (2) The tribunal must make a determination about members' salary entitlements under section 31A as if the public service salary decision were made on the day this section commences.
- (3) In this section—  
*introduction day* means the day on which the Bill for the *Parliament of Queensland and Other Acts Amendment Act 2015* was introduced into the Assembly.

**75 Determination about salary entitlements in response to Directive 16/13**

- (1) This section applies if Directive 16/13 is still in effect on 1 December 2015.
- (2) The tribunal must make a determination about members' salary entitlements under section 31A as if Directive 16/13 were made on 1 December 2015.
- (3) For subsection (2), any provision of Directive 16/13 for a salary increase that applies to a period before 1 December 2015 is to be disregarded.
- (4) In this section—  
*Directive 16/13* means the directive of that name made under the *Public Service Act 2008*, section 54(1).

**34 Amendment of sch 1 (Dictionary)**

- (1) Schedule 1, definition *prescribed rate of interest*—



[s 34]

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*omit.*

(2) Schedule 1—

*insert—*

***prescribed rate of interest*** see section 53.

***salary entitlement*** see section 31A(5).

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