

# Constitution (Fixed Term Parliament) Amendment Bill 2015

Amendments during consideration in detail to be moved by

The Honourable the Attorney-General and Minister for Justice and  
Minister for Training and Skills

## 1 After clause 1

Page 4, after line 6—

*insert—*

### 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.

## 2 After clause 2

Page 4, after line 10—

*insert—*

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

Page 4, lines 17 to 19—

*omit, insert—*

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

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

Page 5, lines 4 to 6—

*omit, insert—*

Section 17, ‘under section 15(2)’—

*omit, insert—*

by the Governor

**5      Clause 6 (Insertion of new ch 2, pt 2A)**

Page 5, line 10 to page 10, line 19—

*omit, 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’.

***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).

**6 Clause 7 (Insertion of new ch 9, pt 3)**

Page 10, line 27 to page 11, line 14—

*omit, insert—*

**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.

**7 After clause 9**

Page 11, after line 21—

*insert—*

**9A Amendment of preamble**

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

*omit.*



**8 Long title**

Long title, from ‘amend the *Constitution of Queensland 2001*’—

*omit, insert—*

provide for fixed four-year terms for the  
Legislative Assembly in Queensland

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