

Ministerial and Other Office Holder Staff and Other Legislation Amendment Bill 2018

Amendments during consideration in detail to be moved by
The Honourable the Attorney-General and Minister for Justice and Leader
of the House

1 Clause 3 (Insertion of new pt 2A)

Page 8, line 31, ‘an indictable’—

omit, insert—

a relevant

2 Clause 3 (Insertion of new pt 2A)

Page 9, line 1, ‘indictable’—

omit, insert—

relevant

3 Clause 3 (Insertion of new pt 2A)

Page 9, line 11, ‘indictable’—

omit, insert—

relevant

4 Clause 3 (Insertion of new pt 2A)

Page 10, line 2, ‘prosecution for the indictable’—

omit, insert—

prosecution process for the relevant

5 Clause 3 (Insertion of new pt 2A)

Page 10, lines 8 to 12—

omit, insert—

(b) if relevant, the court in which the
prosecution process ended;

- (c) particulars of the offence;
- (d) the date the prosecution process ended.

6 Clause 3 (Insertion of new pt 2A)

Page 10, after line 18—

insert—

(7) In this section—

disqualifying offence see the *Working with Children (Risk Management and Screening) Act 2000*, section 168.

relevant offence means—

- (a) an indictable offence; or
- (b) a disqualifying offence that is not an indictable offence.

7 Clause 10 (Insertion of new pt 5A)

Page 17, line 28, ‘an indictable’—

omit, insert—

a relevant

8 Clause 10 (Insertion of new pt 5A)

Page 18, line 1, ‘indictable’—

omit, insert—

relevant

9 Clause 10 (Insertion of new pt 5A)

Page 18, line 11, ‘indictable’—

omit, insert—

relevant

10 Clause 10 (Insertion of new pt 5A)

Page 19, line 1, ‘prosecution for the indictable’—

omit, insert—

prosecution process for the relevant

11 Clause 10 (Insertion of new pt 5A)

Page 19, lines 7 to 11—

omit, insert—

- (b) if relevant, the court in which the prosecution process ended;
- (c) particulars of the offence;
- (d) the date the prosecution process ended.

12 Clause 10 (Insertion of new pt 5A)

Page 19, after line 17—

insert—

(7) In this section—

disqualifying offence see the *Working with Children (Risk Management and Screening) Act 2000*, section 168.

relevant offence means—

- (a) an indictable offence; or
- (b) a disqualifying offence that is not an indictable offence.

13 After clause 10

Page 20, after line 26—

insert—

Part 5

Amendment of Queensland Independent Remuneration Tribunal Act 2013

11 Act amended

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

12 Amendment of long title

Long title, after ‘Assembly’—

insert—

and matters relating to entitlements of cross bench members to additional staff members

13 Amendment of s 3 (Main purpose of Act)

Section 3, from ‘decide’—

omit, insert—

decide—

- (a) remuneration in connection with members and former members of the Assembly; and
- (b) entitlements of cross bench members to additional staff members.

14 Amendment of s 7 (Functions)

Section 7(b)—

omit, insert—

- (b) to review entitlements of cross bench members to additional staff members;
- (c) to make determinations under this Act about the matters mentioned in paragraphs (a) and (b).

15 Insertion of new pt 3, div 1, sdiv 1, hdg

Before section 27—

insert—

Subdivision 1 General

16 Amendment of s 27 (Power to make determination)

Section 27, from ‘about’—

omit, insert—

about the following matters—

- (a) remuneration in connection with members and former members of the Assembly;
- (b) entitlements of cross bench members to additional staff members.

17 Insertion of new pt 3, div 1, sdiv 2, hdg and s 28A

After section 28—

insert—

Subdivision 2 Determinations about remuneration

28A Application of subdivision

This subdivision applies in relation to a determination about remuneration in

connection with members and former members of the Assembly (a *remuneration determination*).

18 Amendment of s 29 (General principles for making determination)

(1) Section 29, heading, ‘determination’—

omit, insert—

remuneration determinations

(2) Section 29(1) and (2), before ‘determination’—

insert—

remuneration

19 Amendment of s 30 (Requirements for making determination)

(1) Section 30, heading, ‘determination’—

omit, insert—

remuneration determinations

(2) Section 30, before ‘determination,’—

insert—

remuneration

(3) Section 30(d), ‘section 55’—

omit, insert—

section 59D

20 Amendment of s 31 (When determination to be made)

(1) Section 31, heading, ‘determination’—

omit, insert—

remuneration determinations

- (2) Section 31(1) to (3), before ‘determination’—
insert—
remuneration

21 Amendment of s 31A (Determinations about salary entitlements following public service salary decisions)

- (1) Section 31A, heading, ‘Determinations’—
omit, insert—

Remuneration determinations

- (2) Section 31A(1) to (3), before ‘determination’—
insert—
remuneration
- (3) Section 31A(4), ‘If the determination’—
omit, insert—
If the remuneration determination

22 Amendment of s 31B (Particular determinations about additional salary entitlements)

- (1) Section 31B, heading, before ‘determinations’—
insert—

remuneration

- (2) Section 31B(1) and (2), before ‘determination’—
insert—
remuneration

23 Insertion of new pt 3, div 1, sdiv 3

- Part 3, division 1—
insert—

Subdivision 3 Determinations about entitlements of cross bench members to additional staff members

31C Application of subdivision

This subdivision applies in relation to a determination about entitlements of cross bench members to additional staff members (an *additional staff member determination*).

31D General matters about additional staff member determinations

- (1) An additional staff member determination may provide for additional staff members for—
 - (a) all cross bench members; or
 - (b) 1 or more stated classes of cross bench members; or
 - (c) 1 or more stated cross bench members; or
 - (d) a combination of 1 or more stated classes of cross bench members and 1 or more stated cross bench members.
- (2) An additional staff member determination may provide for—
 - (a) the same entitlement to additional staff members for all cross bench members, or classes of cross bench members, for whom the determination is made; or
 - (b) different entitlements to additional staff members for cross bench members, or

classes of cross bench members, for whom the determination is made.

- (3) An additional staff member determination may state 1 or more of the following matters for an additional staff member for a cross bench member—
 - (a) the role of the staff member;
 - (b) the classification level of, including, for example, the level of salary for, the staff member;
 - (c) the location where the staff member is to perform the staff member's functions for the cross bench member.

31E General principles for making additional staff member determinations

- (1) In making an additional staff member determination, the tribunal may have regard to the following—
 - (a) parliamentary resources provided to cross bench members and other members of the Assembly;
 - (b) the composition of the Assembly and how the composition of the Assembly affects cross bench members;
 - (c) the workload and duties of the cross bench members for whom the tribunal is considering to make the determination;
 - (d) whether the cross bench members for whom the tribunal is considering to make the determination are members of political parties;
 - (e) relevant laws applying to members of the Assembly;

(f) other matters the tribunal considers appropriate.

(2) In this section—

composition of the Assembly means the extent to which the Assembly is made up of the following members of the Assembly—

- (a) members of a political party recognised in the Assembly as being in government;
- (b) members of a political party recognised in the Assembly as being in opposition;
- (c) cross bench members.

parliamentary resources, for a member of the Assembly, means services and support, including, for example, general staff members, provided to the member, in the parliamentary precinct or elsewhere, to help the member to carry out the member's duties.

31F Requirement to consult with Clerk

In making an additional staff member determination, the tribunal must consult with, and consider the views of, the Clerk.

31G When additional staff member determinations to be made

- (1) Subject to subsection (2), the tribunal may decide the frequency of additional staff member determinations.
- (2) The tribunal must make an additional staff member determination within 3 months after each of the following days—

- (a) the day the Assembly is next summoned under the *Constitution of Queensland 2001*, section 15(1);
 - (b) if a person becomes, or ceases to be, a cross bench member during a term of the Assembly—the day the person becomes, or ceases to be, a cross bench member.
- (3) In this section—
- term*, of the Assembly, means the period—
- (a) starting on the day the Assembly is summoned under the *Constitution of Queensland 2001*, section 15(1); and
 - (b) ending on the day the Assembly is next dissolved or expires.

24 Replacement of s 33 (Determination creates entitlement to remuneration)

Section 33—

omit, insert—

33 Effect of determination

- (1) If the tribunal makes a remuneration determination, a member or former member is entitled to the remuneration decided by the tribunal under the determination.

Note—

Also see part 4.

- (2) If the tribunal makes an additional staff member determination, a cross bench member is entitled to the additional staff members, decided by the tribunal for the member, under the determination.

Note—

Also see part 4A.

25 Amendment of s 41 (Annual salary entitlement of member)

Section 41, before ‘determination’—

insert—

remuneration

26 Amendment of s 42 (Additional salary entitlement of some members)

Section 42(1) and (2), before ‘determination’—

insert—

remuneration

27 Amendment of s 43 (Amount of additional salary)

Section 43(1), before ‘determination’—

insert—

remuneration

28 Amendment of s 54 (Member’s allowances and entitlements)

Section 54, before ‘determination’—

insert—

remuneration

29 Relocation and renumbering of s 55 (Act does not affect other entitlements)

Section 55—

relocate to part 5 and *renumber* as section 59D.

30 Insertion of new pt 4A

After part 4—

insert—

Part 4A Additional staff members for cross bench members

59A Purpose of part

The purpose of this part is to provide for particular matters about additional staff members for cross bench members.

59B Clerk to give effect to entitlement to additional staff members

- (1) This section applies in relation to a cross bench member if the member is entitled to additional staff members under an additional staff member determination.
- (2) The cross bench member may request the Clerk provide additional staff members to the cross bench member in accordance with the additional staff member determination.
- (3) The Clerk must give effect to a cross bench member's request under subsection (2) in a way—
 - (a) the Clerk considers appropriate; and
 - (b) that ensures the member's request is fulfilled to the greatest practicable extent without exceeding the member's entitlement under the additional staff member determination.
- (4) The Clerk's functions under this section are to be carried out as part of the Clerk's functions under the *Parliamentary Service Act 1988* as the chief executive of the parliamentary service established under that Act.

Note—

See the *Parliamentary Service Act 1988*, part 5 for matters about the management of the parliamentary service established under that Act.

59C When entitlement to additional staff members ceases

- (1) A person's entitlement under an additional staff member determination ceases if—
 - (a) the person ceases to be a cross bench member; or
 - (b) for an entitlement that is conditional on the person being part of a class of cross bench members—the person ceases to be part of the class.
- (2) This section does not limit the ways in which a person's entitlement under an additional staff member determination may cease.

31 Amendment of sch 1 (Dictionary)

- (1) Schedule 1, definition *remuneration*—
omit.
- (2) Schedule 1—
insert—

additional staff member determination see section 31C.

additional staff members, for a cross bench member, means persons—

- (a) appointed under the *Parliamentary Service Act 1988*, part 5; and
- (b) provided to the member to help the member to carry out the member's duties in addition to general staff members for the member.

cross bench member means a member of the Assembly who is neither—

- (a) a member of a political party recognised in the Assembly as being in government; nor
- (b) a member of a political party recognised in the Assembly as being in opposition.

general staff members, for a member of the Assembly, means persons—

- (a) appointed, under the *Parliamentary Service Act 1988*, part 5, and provided to the member other than under an additional staff member determination; or
- (b) employed, under the *Ministerial and Other Office Holder Staff Act 2010*, part 2, as staff members in the member's office.

remuneration, in connection with a member or former member of the Assembly—

- (a) means salary, allowances or entitlements in connection with the member or former member, other than accommodation, services or other entitlements mentioned in section 59D; and
- (b) for a cross bench member—does not include an entitlement to additional staff members under an additional staff member determination.

remuneration determination see section 28A.

14 Long title

Long title, from ‘the *Parliament of Queensland Act 2001*’—
omit, insert—

***the Parliament of Queensland Act 2001, the
Parliamentary Service Act 1988 and the
Queensland Independent Remuneration
Tribunal Act 2013 for particular purposes***

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