



Premier of Queensland
Minister for the Arts

For reply please quote: OGMGS/JB – TF/16/7935 – DOC/16/82425

Executive Building
100 George Street Brisbane
PO Box 15185 City East
Queensland 4002 Australia
Telephone +61 7 3719 7000
Email ThePremier@premiers.qld.gov.au
Website www.thepremier.qld.gov.au

The Honourable Peter Wellington MP
Chairperson
Committee of the Legislative Assembly
Parliament House
George Street
BRISBANE QLD 4000

Dear Mr Speaker

A handwritten signature in black ink, appearing to read "Peter", written over the typed name "Peter Wellington MP".

As you are aware, the Government Response to the Committee of the Legislative Assembly's Report Number 17 (Review of the Parliamentary Committee System) supported the Committee's recommendation that an amendment to the *Constitution of Queensland Act 2001* (the Constitution Act) must be passed by an absolute majority of the Legislative Assembly. The response noted however that the Government would seek appropriate advice to ensure the constitutional validity of any necessary amendment before implementing the recommendation.

The Government has given further consideration to this matter and I attach an amendment to the Constitution of Queensland and Other Legislation Amendment Bill 2016 for the Committee's consideration.

To avoid any potential inconsistencies with section 6 of the *Australia Act 1986* (Cth) (the Australia Act), which restricts the 'manner and form' provisions designed to bind a future Parliament to laws respecting the constitution, powers or procedures of the Parliament, the amendment includes an express reference to the limited power conferred by section 6 of the Australia Act.

Accordingly, the amendment proposes to insert a new section 4A into the Constitution Act to provide that a Bill which amends the Constitution Act with respect to the constitution, powers or procedures of the Parliament, must not be presented to the Governor for assent unless the Bill has been passed by an absolute majority of the Legislative Assembly.

Yours sincerely

A handwritten signature in black ink, appearing to read "Annastacia", written over the typed name "ANNASTACIA PALASZCZUK MP".

**ANNASTACIA PALASZCZUK MP
PREMIER OF QUEENSLAND
MINISTER FOR THE ARTS**

*Encl

[s 1]

The Parliament of Queensland enacts—

1 Insertion of new s 4A

After section 4—

insert—

4A Particular amendments of this Act

- (1) This section applies to a Bill for an Act to amend this Act respecting the constitution, powers or procedure of the Parliament.

Note—

See the *Australia Act 1986* (Cwlth), section 6.

- (2) The Bill must not be presented to the Governor for assent unless the Bill has been passed by an absolute majority of the Legislative Assembly.
- (3) The Bill has no effect as an Act if assented to after presentation in contravention of subsection (2).
- (4) For deciding whether the Bill has been passed by an absolute majority of the Legislative Assembly—
- (a) if the Speaker of the Legislative Assembly or Deputy Speaker of the Legislative Assembly presiding exercises a casting vote in favour of the 'ayes', the casting vote is counted; and
- (b) if an absent member of the Legislative Assembly votes by proxy or another method allowed under an Act and the vote cast is in favour of the 'ayes', the vote is counted.
- (5) In this section—

absolute majority, of the Legislative Assembly, means a majority of the number of members of the Legislative Assembly under section 11.

DRAFT