



Speech By  
**Hon. Anastacia Palaszczuk**

**MEMBER FOR INALA**

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Record of Proceedings, 20 May 2015

## PARLIAMENT OF QUEENSLAND AND OTHER ACTS AMENDMENT BILL

### Second Reading



**Hon. A PALASZCZUK** (Inala—ALP) (Premier and Minister for the Arts) (6.05 pm): I move—

That the bill be now read a second time.

At this time we usually have a debate on a private member's motion, but not tonight unfortunately. It was ruled out of order, so we will continue and get on with the job of governing this great state. We will go back to government business and pass this important legislation for the people of Queensland.

I thank the Finance and Administration Committee for its consideration of and report on the bill. I also thank those who made submissions to the committee about the bill and those who appeared as witnesses as part of the committee's inquiry. The government notes that, while the committee worked diligently and with goodwill on all sides, the committee was unable to reach agreement on all issues, including whether or not the bill should be passed. I do note, though, that the committee reached consensus agreement on the amendments to three of the four acts being amended by the bill, and I thank the committee for its support of these measures. These measures relate to the restoration of the autonomy of the position of Speaker within the parliament through the transfer of certain powers and responsibilities back to the Speaker under the Parliamentary Service Act 1988 and the retention of the position of Clerk of the Parliament as being the primary employing authority for the Parliamentary Service.

The committee also supports the increased role and voting rights of the position of Speaker on the Committee of the Legislative Assembly, the CLA, and the government's commitment that if the Legislative Assembly contains one or more crossbench members then the membership of the CLA is to include a crossbench member, reflecting in effect the parliament of the day. However, the committee's report has identified some concerns about the process outlined in the bill for how a crossbench member is included on the CLA. The committee has also sought to clarify the intention that including a crossbench member on the CLA would make it an eight-member committee. The committee has made two recommendations that cover these issues. I am pleased to inform the House that the government supports both of these recommendations, and I table the government's response accordingly.

*Tabled paper:* Finance and Administration Committee: Report No. 2—Parliament of Queensland and Other Acts Amendment Bill 2015, government response [\[436\]](#).

I also take this opportunity to table an erratum to the explanatory notes to the bill which corrects a minor typographical error.

*Tabled paper:* Parliament of Queensland and Other Acts Amendment Bill 2015, erratum to explanatory notes [\[437\]](#).

In drafting the bill, it was certainly the government's intention that, when there are two or more crossbench members in the Legislative Assembly, it would be for those crossbench members to determine between themselves which of them should be nominated by the Leader of the House for

appointment to the CLA. I note from the committee's report that it expects that the current Leader of the House would consult with, and consider the opinions of, crossbench members in selecting their representative for nomination to the CLA but that, in its view, the bill as it currently stands does not sufficiently express these expectations. The government certainly agrees that the current Leader of the House, the member for Sandgate, would have carried out the nomination process in consultation with the crossbench members with the highest level of integrity and decency. However, we agree with the committee's concerns regarding how this process could operate in the future. So I will move an amendment during consideration in detail that deals with this concern.

The amendment will provide that, if there are two or more members of the Assembly who are crossbench members, then the crossbench members are to advise the Leader of the House in writing whom they have selected by majority vote for nomination to the CLA. The amendment will also clarify that the Leader of the House does not have a vote in the selection process conducted by the crossbench members, and I think that is fair and reasonable. Furthermore, in anticipation that there may be circumstances in the future where crossbench members are unable to agree by majority on whom their nominee for CLA membership will be, the amendment provides that, if crossbench members have not advised the Leader of the House of their nominee within two sitting days of an appointment to the CLA being necessitated under the Parliament of Queensland Act 2001, the Leader of the House will select the crossbench member for nomination. Two sitting days is deemed to be a reasonable period of time within which crossbench members should be able to advise the Leader of the House of their nominee for CLA membership.

As outlined in the government's response to the committee's report, we also support their second recommendation. I will be moving amendments during consideration in detail to clarify that the crossbench member on the CLA would be an additional member, making it an eight-member committee. The amendments will also clarify that when the parliament has a Speaker who is not a member of a political party either in government or opposition, as it does now, the crossbench appointment to the CLA is in addition to the Speaker, who is already a member of the CLA.

The bill currently includes an amendment which provides that the quorum at a CLA meeting is five members. In recognition that in future parliaments the membership of the CLA may vary between seven and eight members, I will be moving a further amendment to the bill to provide that if the membership of the CLA is eight members then a quorum is five members, but if the membership is otherwise the quorum is four members. These quorum numbers for the CLA are the same as those that apply to the parliament's portfolio committees when they comprise a membership of either seven or eight members.

I now turn to the committee's comments about the amendments to the Queensland Independent Remuneration Tribunal Act 2013. The committee did not reach agreement on the proposed amendments to the tribunal act, and this reflects what seems to be a fundamental difference between the government and the opposition on the issue of salary increases for its members. While both sides favour the retention of the Queensland Independent Remuneration Tribunal to determine the salaries of members, we in the government believe that members' salaries should not be able to be increased by a percentage rate higher than that applying to public sector employees. From the committee's report it appears that opposition members do not agree that such a limitation should be placed on the tribunal.

In its submission to the committee the tribunal suggested that another way to enshrine the intent of the government's policy could be to embed within section 29 of the tribunal act that Public Service wage conditions are one of the principles that the tribunal may have regard to in making their determination. This seems to be something that the opposition members of the committee have taken up in the committee's report. While the government appreciates the good intentions of the tribunal in making this suggestion in its submission, the government will not be agreeing to any amendments of this nature.

As argued by the government members of the committee in the committee's report, any such amendment to section 29 of the act does not ensure that the intent of the government's election commitment would be adhered to. As the tribunal's chair himself noted at the committee's public hearing, while an amendment to section 29 would provide explicit direction to the tribunal in that regard it would not necessarily guarantee the outcome that the bill is seeking. The only way to guarantee that the salary of members cannot be increased by a percentage rate that is higher than a rate of salary increase received by public sector employees is to legislate as outlined in the bill. As outlined in my introductory speech on the bill, placing a limit on the tribunal in this way is similar to the situation in New South Wales, where their parliamentary remuneration tribunal also operates under a limit in setting salary increases for members. My government stands by its election commitment to

Queenslanders regarding members' salaries, and I ask all members to support the amendments to the tribunals act as drafted.

The government notes the committee's report has expressed that two potential fundamental legislative principles issues were not examined in the explanatory notes to the bill. In response, I can advise that my department has noted the committee's comments about these FLP issues and accepts the committee's view on the matter of completeness of explanatory notes. Regarding the fundamental legal principle issues themselves, the government does not accept that the bill prejudices the independence of the judiciary. While the tribunal may be viewed as a quasi-judicial body, the tribunal, as the committee itself has pointed out, is already subject to mandatory direction under the tribunal act. The parliament is the supreme lawmaking body in this state, and the government believes that parliament is free to amend legislation as it sees fit to mandate how the tribunal is to act and what types of things it should take into consideration when making decisions.

Regarding the issue of retrospectivity and the revocation of the 2.58 per cent salary increase the tribunal granted to members from 6 April 2015, the need for retrospectivity in the bill is twofold: firstly, retrospectivity is necessary to deliver on the government's election commitment that future salary increases for members would be linked to those of public servants. The government's election commitment relates to future salary increases for members—that is, any salary increases from the January 2015 election onwards. Public servants in the core Public Service have not received a salary increase since the election. Their last salary increase was granted on 1 December 2014, and their next salary increase is due on 1 December 2015. To allow the tribunal's determination granting the salary increases from 6 April 2015 to stand would mean that members will have received a salary increase when public servants have not. There would be no link between the two, and this would be a fundamental breach of our election commitment to Queenslanders.

Secondly, retrospectivity is needed because it was not possible for the parliament to consider this bill without suspending standing orders and declaring it urgent before the salary increase commenced on 6 April 2015. This government is committed to seeing that bills are given proper consideration through the parliament's committee system, and this is the process that the bill has taken.

Lastly, regarding the retrospective element of this bill, it is worth remembering that the salary increase which the bill proposes to revoke is a salary increase that only affects members of parliament—not other Queenslanders. All members of this House will have an opportunity to debate and vote on this bill, so all members will get to have their say on the fairness or otherwise of the retrospective nature of it. I commend the bill to the House.