



New South Wales

# Constitution Amendment (Speaker) Bill 2007

## Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

## Overview of Bill

The object of this Bill is to amend the *Constitution Act 1902* to enable the Speaker to take part in debates or discussions, and to vote, when not presiding in the Legislative Assembly. The Speaker when presiding has a casting vote in the event of an equality of votes. As a result of recent changes to the Standing Orders, the detailed consideration of Bills is now held in proceedings of the House rather than in the Committee of the Whole presided over by the Chair of Committees. The Bill will therefore also ensure that the Speaker can continue to participate fully in the detailed consideration of a Bill in the Legislative Assembly.

## Outline of provisions

**Clause 1** sets out the name (also called the short title) of the proposed Act.

**Clause 2** provides for the commencement of the proposed Act on the date of assent to the proposed Act.

**Clause 3** is a formal provision that gives effect to the amendments to the *Constitution Act 1902* set out in Schedule 1.

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**Clause 4** provides for the repeal of the proposed Act after all the amendments made by the proposed Act have commenced. Once the amendments have commenced the proposed Act will be spent and section 30 of the *Interpretation Act 1987* provides that the repeal of an amending Act does not affect the amendments made by that Act.

## **Schedule 1      Amendments**

**Schedule 1 [1]–[3]** amend sections 31 and 32 of the *Constitution Act 1902* for the purposes outlined in the Overview above.

First print



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New South Wales

# Constitution Amendment (Speaker) Bill 2007

No. , 2007

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## A Bill for

An Act to amend the *Constitution Act 1902* to enable the Speaker to take part in debates or discussions, and to vote, when not presiding in the Legislative Assembly.

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<b>The Legislature of New South Wales enacts:</b>	1
<b>1 Name of Act</b>	2
This Act is the <i>Constitution Amendment (Speaker) Act 2007</i> .	3
<b>2 Commencement</b>	4
This Act commences on the date of assent to this Act.	5
<b>3 Amendment of Constitution Act 1902 No 32</b>	6
The <i>Constitution Act 1902</i> is amended as set out in Schedule 1.	7
<b>4 Repeal of Act</b>	8
(1) This Act is repealed on the day following the day on which this Act commences.	9 10
(2) The repeal of this Act does not, because of the operation of section 30 of the <i>Interpretation Act 1987</i> , affect any amendment made by this Act.	11 12

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## Schedule 1 Amendments

	1
(Section 3)	2
<b>[1] Section 31 Speaker</b>	3
Insert after section 31 (3):	4
(4) The Speaker may, when not presiding:	5
(a) take part in any debate or discussion, and	6
(b) vote on any question,	7
which may arise in the Legislative Assembly.	8
<b>[2] Section 32 Quorum and determination of questions</b>	9
Omit “the Speaker” from section 32 (1).	10
Insert instead “the Member presiding”.	11
<b>[3] Section 32 (2)</b>	12
Omit the subsection. Insert instead:	13
(2) All questions which may arise in the Legislative Assembly shall	14
be decided by the majority of the votes of the Members present	15
other than the Member presiding, and when the votes are equal	16
the Member presiding shall have a casting vote.	17