



New South Wales

# Constitution Amendment (Parliamentary Presiding Officers) Bill 2014

## 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 ensure that both the President of the Legislative Council and the Speaker of the Legislative Assembly (and deputies acting when they are unavailable) may exercise the functions of Parliamentary presiding officers relating to the administration of Parliament and the employment of Parliamentary staff during a State general election period when the Legislative Assembly is dissolved and the Legislative Council is suspended.

The Bill also makes a consequential amendment to the *Parliamentary Remuneration Act 1989* to ensure that Parliamentary presiding officers (and their deputies) continue to receive their usual remuneration during that State general election period.

## 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.

## Schedule 1 Amendment of Constitution Act 1902 No 32

**Schedule 1 [1]–[4]** amend section 22G relating to the office of the President of the Legislative Council and the Deputy President and Chair of Committees of the Legislative Council. Schedule 1 [1] provides that a President who ceases to be a member of the Legislative Council (because his or her term of office ends at the beginning of the State general election period) does

not cease to be President if continued in office as President by the amendment made by Schedule 1 [3]. Schedule 1 [3] continues in office the President (and the Deputy President and Chair of Committees) for the period from the suspension of the Legislative Council when the Legislative Assembly is dissolved for a general election until the first meeting of the Legislative Council after the general election. Schedule 1 [4] replaces the existing provision relating to the authority of the Deputy President and Chair of Committees to act for the President when he or she is out of the State with a provision that authorises the Deputy President and Chair of Committees to act whenever the President is unavailable (which is defined to include a vacancy in the office of President or if the President is absent from the State or otherwise unavailable to exercise the powers and functions of the President). Schedule 1 [2] makes a statute law revision amendment to remove provisions relating to the procedure for electing a President that applied before Standing Rules and Orders were made for that purpose.

**Schedule 1 [5]–[7]** amend sections 31, 31A and 31B relating to the office of the Speaker of the Legislative Assembly and the Deputy Speaker of the Legislative Assembly to make similar amendments to those made by Schedule 1 [1]–[4].

## **Schedule 2      Consequential amendment of Parliamentary Remuneration Act 1989 No 160**

**Schedule 2** amends section 16 of the Act to ensure that Parliamentary presiding officers (and their deputies) continue to receive their usual remuneration during a State general election period.



New South Wales

# Constitution Amendment (Parliamentary Presiding Officers) Bill 2014

## Contents

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	Page
1 Name of Act	2
2 Commencement	2
Schedule 1 Amendment of Constitution Act 1902 No 32	3
Schedule 2 Consequential amendment of Parliamentary Remuneration Act 1989 No 160	5



New South Wales

# Constitution Amendment (Parliamentary Presiding Officers) Bill 2014

No. , 2014

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## **A Bill for**

An Act to amend the *Constitution Act 1902* with respect to the office of a Parliamentary presiding officer, and to amend consequentially the *Parliamentary Remuneration Act 1989*.

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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 (Parliamentary Presiding Officers) Act 2014</i> .	3 4
<b>2 Commencement</b>	5
This Act commences on the date of assent to this Act.	6

<b>Schedule 1</b>	<b>Amendment of Constitution Act 1902 No 32</b>	1
<b>[1] Section 22G President</b>		2
	Insert “(unless continued in office under subsection (6A))” after “ceases to be a Member of the Legislative Council” in section 22G (3) (a).	3 4
<b>[2] Section 22G (4)</b>		5
	Omit the subsection. Insert instead:	6
	(4) The Standing Rules and Orders of the Legislative Council may make provision, not inconsistent with this section, for or with respect to the manner of election of the President and associated matters.	7 8 9
<b>[3] Section 22G (6A)</b>		10
	Insert after section 22G (6):	11
	(6A) When the business of the Legislative Council is suspended under section 22F:	12
	(a) the person who was the President of the Legislative Council immediately before the suspension of business continues to be the President, and	13 14 15
	(b) the person who was the Deputy President and Chair of Committees of the Legislative Council immediately before the suspension of business continues to be the Deputy President and Chair of Committees,	16 17 18
	until the Legislative Council assembles for the dispatch of business at its first meeting following the periodic Council election.	19 20
<b>[4] Section 22G (7) and (7A)</b>		21
	Omit section 22G (7). Insert instead:	22
	(7) Subject to subsection (5), the Deputy President and Chair of Committees of the Legislative Council:	23 24
	(a) acts as the President of the Legislative Council when the President is unavailable, and	25 26
	(b) when so acting, has and may exercise and perform all the powers, authorities, duties and functions of the President.	27 28
	(7A) For the purposes of subsection (7), the President is <i>unavailable</i> if there is a vacancy in the office of the President or if the President is absent from the State or otherwise unavailable to exercise and perform the powers, authorities, duties and functions of the President.	29 30 31 32
<b>[5] Section 31 Speaker</b>		33
	Insert after section 31 (4):	34
	(5) When the Legislative Assembly is dissolved or expires:	35
	(a) the person who was the Speaker of the Legislative Assembly immediately before the dissolution or expiry continues to be the Speaker, and	36 37 38
	(b) the person who was the Deputy Speaker of the Legislative Assembly immediately before the dissolution or expiry continues to be the Deputy Speaker,	39 40 41
	until the Legislative Assembly assembles for the dispatch of business at its first meeting following the general election.	42 43

<b>[6] Section 31A</b>	1
Omit the section. Insert instead:	2
<b>31A Acting Speaker</b>	3
(1) Subject to section 31 (3), the Deputy Speaker of the Legislative Assembly:	4
(a) acts as the Speaker of the Legislative Assembly when the Speaker is unavailable, and	5 6
(b) when so acting, has and may exercise and perform all the powers, authorities, duties and functions of the Speaker.	7 8
(2) For the purposes of this section, the Speaker is <i>unavailable</i> if there is a vacancy in the office of the Speaker or if the Speaker is absent from the State or otherwise unavailable to exercise and perform the powers, authorities, duties and functions of the Speaker.	9 10 11 12
(3) Without limiting the generality of this section, the Deputy Speaker of the Legislative Assembly, while acting as the Speaker under this section, is taken to be the Speaker for the purposes of section 71 of the <i>Parliamentary Electorates and Elections Act 1912</i> .	13 14 15 16
<b>[7] Section 31B Manner of election of Speaker</b>	17
Omit section 31B (8).	18

<b>Schedule 2</b>	<b>Consequential amendment of Parliamentary Remuneration Act 1989 No 160</b>	1
		2
<b>Section 16 Terms of office</b>		3
Insert after section 16 (2):		4
(3)	For the purposes of this Act, a person who continues as President, or as Deputy President and Chair of Committees, of the Legislative Council under section 22G (6A) of the <i>Constitution Act 1902</i> does not cease to be a member of the Legislative Council while so continuing as President or as Deputy President and Chair of Committees.	5 6 7 8 9
(4)	For the purposes of this Act, a person who continues as Speaker, or as Deputy Speaker, of the Legislative Assembly under section 31 (5) of the <i>Constitution Act 1902</i> does not cease to be a member of the Legislative Assembly while so continuing as Speaker or as Deputy Speaker.	10 11 12 13