



New South Wales

Constitution Amendment (Prorogation of Parliament) Bill 2011

Explanatory note

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

Overview of Bill

Under section 24 of the *Constitution Act 1902*, the Legislative Assembly expires on the Friday before the first Saturday in March prior to a scheduled general election on the fourth Saturday in March.

The object of this Bill is to amend the *Constitution Act 1902* to prevent the Government from advising the Governor to prorogue Parliament at any time after the fourth Saturday in September and before 26 January prior to that expiry. The amendment will not affect any reserve powers of the Governor to act without the advice of the Government.

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 amends the *Constitution Act 1902* to give effect to the object set out above.

First print



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Constitution Amendment (Prorogation of Parliament) Bill 2011

No. , 2011

A Bill for

An Act to amend the *Constitution Act 1902* to restrict the prorogation of Parliament before a general election.

The Legislature of New South Wales enacts:	1
1 Name of Act	2
This Act is the <i>Constitution Amendment (Prorogation of Parliament) Act 2011</i> .	3 4
2 Commencement	5
This Act commences on the date of assent to this Act.	6
3 Amendment of Constitution Act 1902 No 32	7
(1) Section 10 Time and place for holding sessions of Parliament	8
Omit “He may also prorogue the Legislative Council and Assembly by proclamation or otherwise whenever he deems it expedient.”.	9 10
(2) Section 10A	11
Insert after section 10:	12
10A Prorogation of Parliament	13
(1) The Governor may, by proclamation, prorogue the Legislative Council and Assembly whenever the Governor considers it expedient to do so (subject to this section and section 24B).	14 15 16 17
(2) The Premier or Executive Council may not advise the Governor to prorogue the Legislative Council and Assembly on a date that is before 26 January in the calendar year in which the Legislative Assembly is due to expire and that is after the fourth Saturday in the preceding September.	18 19 20 21 22 23