

Passed by both Houses



New South Wales

Constitution Amendment (Parliamentary Presiding Officers) Bill 2014

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I certify that this public bill, which originated in the Legislative Assembly, has finally passed the Legislative Council and the Legislative Assembly of New South Wales.

*Clerk of the Legislative Assembly.
Legislative Assembly,
Sydney,*

, 2014



New South Wales

Constitution Amendment (Parliamentary Presiding Officers) Bill 2014

Act No , 2014

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*.

I have examined this bill and find it to correspond in all respects with the bill as finally passed by both Houses.

Assistant Speaker of the Legislative Assembly.

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Constitution Amendment (Parliamentary Presiding Officers) Act 2014*.

2 Commencement

This Act commences on the date of assent to this Act.

Schedule 1 Amendment of Constitution Act 1902 No 32

[1] Section 22G President

Insert “(unless continued in office under subsection (6A))” after “ceases to be a Member of the Legislative Council” in section 22G (3) (a).

[2] Section 22G (4)

Omit the subsection. Insert instead:

- (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.

[3] Section 22G (6A)

Insert after section 22G (6):

- (6A) When the business of the Legislative Council is suspended under section 22F:
- (a) the person who was the President of the Legislative Council immediately before the suspension of business continues to be the President, and
- (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,
- until the Legislative Council assembles for the dispatch of business at its first meeting following the periodic Council election.

[4] Section 22G (7) and (7A)

Omit section 22G (7). Insert instead:

- (7) Subject to subsection (5), the Deputy President and Chair of Committees of the Legislative Council:
- (a) acts as the President of the Legislative Council when the President is unavailable, and
- (b) when so acting, has and may exercise and perform all the powers, authorities, duties and functions of the President.
- (7A) For the purposes of subsection (7), the President is *unavailable* 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.

[5] Section 31 Speaker

Insert after section 31 (4):

- (5) When the Legislative Assembly is dissolved or expires:
- (a) the person who was the Speaker of the Legislative Assembly immediately before the dissolution or expiry continues to be the Speaker, and
- (b) the person who was the Deputy Speaker of the Legislative Assembly immediately before the dissolution or expiry continues to be the Deputy Speaker,
- until the Legislative Assembly assembles for the dispatch of business at its first meeting following the general election.

[6] Section 31A

Omit the section. Insert instead:

31A Acting Speaker

- (1) Subject to section 31 (3), the Deputy Speaker of the Legislative Assembly:
 - (a) acts as the Speaker of the Legislative Assembly when the Speaker is unavailable, and
 - (b) when so acting, has and may exercise and perform all the powers, authorities, duties and functions of the Speaker.
- (2) For the purposes of this section, the Speaker is *unavailable* 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.
- (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 *Parliamentary Electorates and Elections Act 1912*.

[7] Section 31B Manner of election of Speaker

Omit section 31B (8).

Schedule 2 Consequential amendment of Parliamentary Remuneration Act 1989 No 160

Section 16 Terms of office

Insert after section 16 (2):

- (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 *Constitution Act 1902* does not cease to be a member of the Legislative Council while so continuing as President or as Deputy President and Chair of Committees.
- (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 *Constitution Act 1902* does not cease to be a member of the Legislative Assembly while so continuing as Speaker or as Deputy Speaker.