

Constitution Amendment Act 2000 No 30

[2000-30]



New South Wales

Status Information

Currency of version

Historical version for 9 June 2000 to 30 June 2005 (accessed 12 July 2024 at 6:23)

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Provisions in force

The provisions displayed in this version of the legislation have all commenced.

Notes—

- **See also**
[Statute Law \(Miscellaneous Provisions\) Bill 2005](#)

Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

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Constitution Amendment Act 2000 No 30



New South Wales

An Act to amend the *Constitution Act 1902* in relation to the vacation of seats of Members of Parliament following conviction for certain offences.

1 Name of Act

This Act is the *Constitution Amendment Act 2000*.

2 Commencement

This Act commences on the date of assent.

3 Amendment of *Constitution Act 1902 No 32*

The *Constitution Act 1902* is amended as set out in Schedule 1.

4 Transitional

Section 13A of the *Constitution Act 1902*, as amended by this Act, applies in relation to convictions pronounced after the commencement of this Act for infamous crimes or offences committed whether before or after that commencement.

Schedule 1 Amendments

(Section 3)

[1] Section 13A Further disqualifications

Insert “and is the subject of the operation of subsection (2),” after “more,” in section 13A (e).

[2] Section 13A (2)-(5)

Insert at the end of section 13A:

(2) For the purposes of subsection (1) (e), a Member is the subject of the operation of this subsection if:

(a) the Member has not lodged an appeal against the conviction within the prescribed period, or

- (b) the conviction has not been quashed on the determination of an appeal or appeals lodged within the prescribed period, or
 - (c) such an appeal has been lodged within the prescribed period but has been withdrawn, or has lapsed, without being determined, and no other appeal lodged within the prescribed period is pending.
- (3) Nothing in this section affects any power that a House has to expel a Member of the House.
- (4) An appeal is taken to have lapsed when a court makes a declaration to that effect or relevant rules of court treat the appeal as having lapsed.
- (5) In this section:

appeal includes a notice of appeal and an application for leave to appeal, and any appeal lodged pursuant to such a notice or pursuant to leave granted on such an application.

prescribed period, in relation to an appeal, means the period within which the appeal may be lodged, but does not include any extension of a period which a court may grant.

quash a conviction means quash or otherwise set aside the conviction.