

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

Overview of Bill

At present, a member of Parliament vacates his or her seat if the member is convicted of an offence punishable by life or imprisonment for 5 years or more, or of an infamous crime (section 13A of the Constitution Act 1902). In that case, section 19 (8) of the Parliamentary Contributory Superannuation Act 1971 disqualifies the former member from receiving any pension that the former member would have been entitled to under that Act and provides instead for a refund of the member's superannuation contributions.

The object of this Bill is to amend the Parliamentary Contributory Superannuation Act 1971 to provide the same disqualification from receiving a pension if the person ceases to be a member while relevant serious offence proceedings are pending and is later convicted. In addition, the former member's pension under that Act is suspended while any such criminal proceedings are pending, but the suspension is lifted if the proceedings do not lead to a conviction for the offence.

The Bill will apply to a person who ceased to be a member before the commencement of the proposed Act, but only if criminal proceedings were pending against the person on the commencement of the proposed Act.

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.

Clause 3 is a formal provision that gives effect to the amendments to the Parliamentary Contributory Superannuation Act 1971 set out in Schedule 1.

Clause 4 removes the necessity for a certificate of approval of this Bill by the Parliamentary Remuneration Tribunal.

Schedule 1 Amendments

Schedule 1 [1] inserts section 19AA into the Principal Act to give effect to the object set out in the above Overview.

Schedule 1 [2] enables regulations of a savings or transitional nature to be made as a consequence of the enactment of the proposed Act.

Schedule 1 [3] provides that proposed section 19AA applies to a former member against whom proceedings were pending when the person ceased to be a member and on the commencement of the proposed Act.