



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.