

Constitution Amendment Bill 2000

Explanatory note

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

Overview of Bill

The *Constitution Act 1902* provides in section 13A (e) that the seat of a Member of Parliament becomes vacant if the Member is convicted of “an infamous crime, or of an offence punishable by imprisonment for life or for a term of 5 years or more”. The object of this Bill is to amend section 13A so as to provide that, in such a case, the Member’s seat does not become vacant until the conviction is final, that is, the Member retains his or her seat if the conviction is quashed on appeal.

Under the proposed amendments to section 13A, the seat of a Member of Parliament convicted of a disqualifying offence will become vacant if the Member does not appeal against the conviction, or an appeal (or succession of appeals) is unsuccessful, or an appeal is lodged but withdrawn, or an appeal lapses.

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.

Clause 3 is a formal provision giving effect to the amendments to the *Constitution Act 1902* set out in Schedule 1.

Clause 4 provides that the proposed amendments apply to a conviction pronounced after the commencement of the amendments for a disqualifying offence committed whether before or after that commencement.

Schedule 1 sets out the amendments described in the Overview above.