



New South Wales

# Constitution Amendment (Virtual Attendance) Bill 2021

## 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 enable members of Parliament to attend meetings of Houses of Parliament remotely.

More specifically, the amendments provide that, for the purposes of provisions of the *Constitution Act 1902* relating to ascertaining a quorum for, or determining a question in, a House of Parliament, a member of Parliament is taken to be present at a meeting of the House if the member attends the meeting remotely using an audio or audio visual link, or another method of communication, in accordance with—

- (a) the standing rules and orders of the House, or
- (b) a resolution or sessional order of the House.

The new provision has effect for a House of Parliament only if the Presiding Officer of the House has declared that a public emergency exists, including a public health crisis, natural disaster, major accident, civil disturbance or act of terrorism, and it is not safe or practicable for Members of the House to meet in person.

The Bill also provides for the repeal of the amendments 5 years after the commencement of the proposed provisions.

## 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.

**Clause 3** amends the *Constitution Act 1902*, section 3 to give effect to the object of this Bill.



New South Wales

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New South Wales

# Constitution Amendment (Virtual Attendance) Bill 2021

No. , 2021

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## A Bill for

An Act to amend the *Constitution Act 1902* to enable members of Parliament to attend meetings of Houses of Parliament remotely.

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<b>The Legislature of New South Wales enacts—</b>	1
<b>1 Name of Act</b>	2
This Act is the <i>Constitution Amendment (Virtual Attendance) Act 2021</i> .	3
<b>2 Commencement</b>	4
This Act commences on the date of assent to this Act.	5
<b>3 Amendment of Constitution Act 1902 No 32</b>	6
(1) <b>Section 3, heading</b>	7
Omit “ <b>Definitions</b> ”. Insert instead “ <b>Interpretation</b> ”.	8
(2) <b>Section 3(2)–(4)</b>	9
Insert at the end of the section—	10
(2) For sections 22H, 22I and 32, in relation to ascertaining a quorum for, or determining a question in, a House of Parliament, a Member of Parliament is taken to be present at a meeting of the House if the Member attends the meeting remotely using an audio or audio visual link, or another method of communication, in accordance with—	11
(a) the Standing Rules and Orders of the House, or	12
(b) a resolution or sessional order of the House.	13
(3) Subsection (2) has effect for a House of Parliament only if the Presiding Officer of the House has declared that a public emergency exists, including a public health crisis, natural disaster, major accident, civil disturbance or act of terrorism, and it is not safe or practicable for Members of the House to meet in person.	14
(4) Subsections (2) and (3) and this subsection are repealed 5 years after the date of commencement of the <i>Constitution Amendment (Virtual Attendance) Act 2021</i> .	15
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