

**CONSTITUTION (LEGISLATIVE COUNCIL
COMPENSATION) ACT, 1979, No. 11**

New South Wales



ANNO VICESIMO OCTAVO

ELIZABETHÆ II REGINÆ

Act No. 11, 1979.

An Act to compensate certain former members of the Legislative Council for loss of anticipated parliamentary remuneration and pension. [Assented to, 18th April, 1979.]

See also Government Railways (Constitution) Amendment Act, 1979; Parliamentary
Contributory Superannuation (Constitution) Amendment Act, 1979; Parliamentary
Remuneration Tribunal (Constitution) Amendment Act, 1979.

Constitution (Legislative Council Compensation).

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

Short
title.

1. This Act may be cited as the "Constitution (Legislative Council Compensation) Act, 1979".

Compensa-
tion
payable
for loss of
anticipated
parliamen-
tary
remunera-
tion.

2. A person whose name is specified in Schedule 1 and who ceased to be a member of the Legislative Council by reason of the operation of section 17 (1) of the Constitution Act, 1902, is entitled to be paid, by way of compensation for loss of anticipated parliamentary remuneration—

- (a) in the case of a person whose name is specified in Part 1 of Schedule 1—\$10,952; or
- (b) in the case of a person whose name is specified in Part 2 of Schedule 1—\$1,565.

Compensa-
tion
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3. A person whose name is specified in Column 1 of Schedule 2 and who was, on his ceasing to be a member of the Legislative Council by reason of the operation of section 17 (1) of the Constitution Act, 1902, not entitled to a pension under the Parliamentary Contributory Superannuation Act, 1971, is entitled to be paid, by way of compensation for loss of anticipated parliamentary pension, the amount specified opposite his name in Column 2 of Schedule 2.

Payments
to be
drawn
within
3 months.

4. Any payment to which any person is entitled under section 2 or 3, or any part of any such payment, not drawn by him or on his behalf within 3 months after the date of assent to this Act shall revert to the Treasury and become part of the Consolidated Revenue Fund.

Constitution (Legislative Council Compensation).

5. Where a person who is entitled to any payment under section 2 or 3 dies before that payment is made, the legal personal representative of that person is entitled to be paid the amount of that payment. Compensation payable in case of death.

6. All payments under this Act are payable out of the Consolidated Revenue Fund which, to the necessary extent, is appropriated accordingly. Appropriation of Consolidated Revenue Fund.

7. Except as provided in this Act, a person who ceased to be a member of the Legislative Council by reason of the operation of section 17 (1) of the Constitution Act, 1902, is not entitled to any payment by way of compensation for loss of anticipated parliamentary remuneration, for loss of anticipated parliamentary pension or for any other loss arising from his so ceasing to be a member of the Legislative Council. No other compensation payable.

Constitution (Legislative Council Compensation).

Sec. 2.

SCHEDULE 1.

COMPENSATION FOR LOSS OF ANTICIPATED
PARLIAMENTARY REMUNERATION.

PART 1.

MEMBERS PREVIOUSLY ELECTED FOR PERIOD EXPIRING
22ND APRIL, 1982.

BUDD, Harry Vincent.
ERSKINE, Thomas Reginald.
ESKELL, Stanley Louis Mowbray.
FALKINER, Otway McLaurin.
JOEL, Asher Alexander.
MOPPETT, Douglas Frederick.
PRESS, Anne Elizabeth.
ROPER, Edna Sirius.
SERISIER, Leroy Dudley.

PART 2.

MEMBERS PREVIOUSLY ELECTED FOR PERIOD EXPIRING
22ND APRIL, 1979.

COULTER, William Robert.
EVANS, Richard Kelynack.
GERAGHTY, Walter James.
HUMPHRIES, Edward Harris.
KEIGHLEY, William Geoffrey.
McKAY, Thomas Sidney.
MANYWEATHERS, Richmond William.
RYGATE, Amelia Elizabeth Mary.
SCOTT, Walter Robert.
THOM, James Norman.
WARREN, Edward Emerton.

Constitution (Legislative Council Compensation).

SCHEDULE 2.

Sec. 3.

COMPENSATION FOR LOSS OF ANTICIPATED
PARLIAMENTARY PENSION.

COLUMN 1.	COLUMN 2.
MOPPETT, Douglas Frederick.	\$743
PERCIVAL, Harold Gregory.	\$157
RAINES, Ronald Bruce.	\$157
SCOTT, Walter Robert.	\$2,046

In the name and on behalf of Her Majesty I assent to this Act.

A. R. CUTLER,
Governor.

*Government House,
Sydney, 18th April, 1979.*

NO 11 1970

Constitution of the State of New York

Section 1

Section 2

Section 3

Section 4

Section 5

Section 6

Section 7

Section 8

Section 9

Section 9

Section 10

Section 10

Section 11

Section 12

Section 13

Section 14

Section 15

Section 16





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COMPENSATION) ACT, 1979, No. 11

New South Wales



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Payments
to be
drawn
within
3 months.

4. Any payment to which any person is entitled under section 2 or 3, or any part of any such payment, not drawn by him or on his behalf within 3 months after the date of assent to this Act shall revert to the Treasury and become part of the Consolidated Revenue Fund.

Constitution (Legislative Council Compensation).

5. Where a person who is entitled to any payment under section 2 or 3 dies before that payment is made, the legal personal representative of that person is entitled to be paid the amount of that payment. Compensation payable in case of death.

6. All payments under this Act are payable out of the Consolidated Revenue Fund which, to the necessary extent, is appropriated accordingly. Appropriation of Consolidated Revenue Fund.

7. Except as provided in this Act, a person who ceased to be a member of the Legislative Council by reason of the operation of section 17 (1) of the Constitution Act, 1902, is not entitled to any payment by way of compensation for loss of anticipated parliamentary remuneration, for loss of anticipated parliamentary pension or for any other loss arising from his so ceasing to be a member of the Legislative Council. No other compensation payable.

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SERISIER, Leroy Dudley.

PART 2.

MEMBERS PREVIOUSLY ELECTED FOR PERIOD EXPIRING
22ND APRIL, 1979.

COULTER, William Robert.
EVANS, Richard Kelynack.
GERAGHTY, Walter James.
HUMPHRIES, Edward Harris.
KEIGHLEY, William Geoffrey.
McKAY, Thomas Sidney.
MANYWEATHERS, Richmond William.
RYGATE, Amelia Elizabeth Mary.
SCOTT, Walter Robert.
THOM, James Norman.
WARREN, Edward Emerton.

Constitution (Legislative Council Compensation).

SCHEDULE 2.

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MOPPETT, Douglas Frederick.	\$743
PERCIVAL, Harold Gregory.	\$157
RAINES, Ronald Bruce.	\$157
SCOTT, Walter Robert.	\$2,046

In the name and on behalf of Her Majesty I assent to this Act.

A. R. CUTLER,
Governor.

*Government House,
Sydney, 18th April, 1979.*

Continuation of Schedule A - 1971

See 3.

Schedule A

Continuation of Schedule A - 1971
The following items:

COLUMNS

COLUMNS

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In the case of the death of Her Majesty Queen Elizabeth II

A. WILKINSON

Government House
London, W.1A 1AA





CONSTITUTION (LEGISLATIVE COUNCIL COMPENSATION) BILL, 1979

EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

The following Bills are cognate with this Bill:—

Government Railways (Constitution) Amendment Bill, 1979.

Parliamentary Contributory Superannuation (Constitution) Amendment Bill, 1979.

Parliamentary Remuneration Tribunal (Constitution) Amendment Bill, 1979.

The object of this Bill is to compensate certain persons who ceased to be members of the Legislative Council by reason of the reconstitution of the Council on 6th November, 1978, for loss of anticipated parliamentary remuneration and pension.

The Bill contains the following provisions :—

Clause 1. Short title.

Clause 2 provides that, with certain exceptions, the former members whose terms of office would have expired on 22nd April, 1982, are entitled to be paid \$10,952 and the former members whose terms of office would have expired on 22nd April, 1979, are entitled to be paid \$1,565. The clause gives effect to the resolution adopted by the Legislative Assembly on 16th November, 1978, and the Legislative Council on 21st November, 1978, to compensate those members for loss of anticipated parliamentary remuneration.

Clause 3 provides that the former members who were not entitled to a parliamentary pension are entitled to be paid, in addition to their refund of pension contributions, an amount equivalent to one-eighth of that refund for each complete year of service. The clause gives effect to the resolution referred to above to compensate those members for loss of anticipated parliamentary pension.

Clause 4 requires any payment to which a former member is entitled under this Bill to be drawn within 3 months after assent to this Bill.

Clause 5 specifies that the legal personal representative of a former member is entitled to payment under this Bill where the former member dies before the payment is made.

Clause 6 appropriates the Consolidated Revenue Fund to the extent necessary for the purposes of making payments under this Bill.

Clause 7 provides that no other compensation is payable to former members other than that specified in this Bill.

THE EXPLANATORY STATEMENT TO THE BILL
The following Bill was introduced into the House of Representatives on 11th December 1978.
The Bill contains the following provisions:
Clause 1. Short title.
Clause 2. Member who dies before the end of his term of office.
Clause 3. Member who dies after the end of his term of office.
Clause 4. Payment to legal personal representative of former member.
Clause 5. Payment to former member.
Clause 6. Appropriation of Consolidated Revenue Fund.
Clause 7. No other compensation payable to former members.

**CONSTITUTION (LEGISLATIVE COUNCIL
COMPENSATION) BILL, 1979**

No. , 1979.

A BILL FOR

An Act to compensate certain former members of the Legislative Council for loss of anticipated parliamentary remuneration and pension.

[MR WRAN—21 *February*, 1979.]

See also Government Railways (Constitution) Amendment Bill, 1979; Parliamentary
Contributory Superannuation (Constitution) Amendment Bill, 1979; Parliamentary
Remuneration Tribunal (Constitution) Amendment Bill, 1979.

Constitution (Legislative Council Compensation).

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

- 5 **1.** This Act may be cited as the "Constitution (Legislative Council Compensation) Act, 1979". Short title.
- 10 **2.** A person whose name is specified in Schedule 1 and who ceased to be a member of the Legislative Council by reason of the operation of section 17 (1) of the Constitution Act, 1902, is entitled to be paid, by way of compensation for loss of anticipated parliamentary remuneration— Compensation payable for loss of anticipated parliamentary remuneration.
- (a) in the case of a person whose name is specified in Part 1 of Schedule 1—\$10,952; or
- 15 (b) in the case of a person whose name is specified in Part 2 of Schedule 1—\$1,565.
- 20 **3.** A person whose name is specified in Column 1 of Schedule 2 and who was, on his ceasing to be a member of the Legislative Council by reason of the operation of section 17 (1) of the Constitution Act, 1902, not entitled to a pension under the Parliamentary Contributory Superannuation Act, 1971, is entitled to be paid, by way of compensation for loss of anticipated parliamentary pension, the amount specified opposite his name in Column 2 of Schedule 2. Compensation payable for loss of anticipated parliamentary pension.
- 25 **4.** Any payment to which any person is entitled under section 2 or 3, or any part of any such payment, not drawn by him or on his behalf within 3 months after the date of assent to this Act shall revert to the Treasury and become part of the Consolidated Revenue Fund. Payments to be drawn within 3 months.

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5. Where a person who is entitled to any payment under section 2 or 3 dies before that payment is made, the legal personal representative of that person is entitled to be paid the amount of that payment. Compensation payable in case of death.

5 6. All payments under this Act are payable out of the Consolidated Revenue Fund which, to the necessary extent, is appropriated accordingly. Appropriation of Consolidated Revenue Fund.

10 7. Except as provided in this Act, a person who ceased to be a member of the Legislative Council by reason of the operation of section 17 (1) of the Constitution Act, 1902, is not entitled to any payment by way of compensation for loss of anticipated parliamentary remuneration, for loss of anticipated parliamentary pension or for any other loss arising from his so ceasing to be a member of the Legislative Council. No other compensation payable.

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BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1979

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COMMUNICATIONS SECTION

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FEDERAL BUREAU OF INVESTIGATION

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