

FIRST PRINT

**CONSTITUTION (LEGISLATIVE COUNCIL
RECONSTITUTION) SAVINGS BILL 1993**

NEW SOUTH WALES

EXPLANATORY NOTE

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

The object of this Bill is to ensure equality of treatment of the 3 former members of the Legislative Council who ceased to be members as a consequence of the reconstitution of the Legislative Council in 1991 and, in particular, equality of treatment under the Parliamentary Contributory Superannuation Act 1971.

The reconstitution was effected by the Constitution (Legislative Council) Amendment Act 1991 ("the 1991 reconstitution Act").

Clause 1 states the short title of the proposed Act.

Clause 2 provides for the proposed Act to be taken to have commenced on 1 July 1991, being the date on which the 1991 reconstitution Act commenced.

Clause 3 sets out the object of the proposed Act.

Clause 4 defines "former member" as a former member to whom the proposed Act applies and defines "the 1991 reconstitution Act".

Clause 5 declares that the proposed Act applies to those 3 former members of the Legislative Council who ceased to be members by the operation of the 1991 reconstitution Act.

Clause 6 provides that a former member who was not otherwise entitled to a parliamentary pension because the former member had not served for at least 7 years is to be regarded as having served for 7 years. Accordingly, the former member will be entitled to a pension as from the commencement of the 1991 reconstitution Act. The clause also ensures that the former member will be able to convert the relevant part of the pension into a lump sum by notice given within 3 months after assent to the proposed Act.

Constitution (Legislative Council Reconstitution) Savings 1993

Clause 7 preserves any other entitlement to compensation etc. of former members because of their ceasing to be members by the operation of the 1991 reconstitution Act.

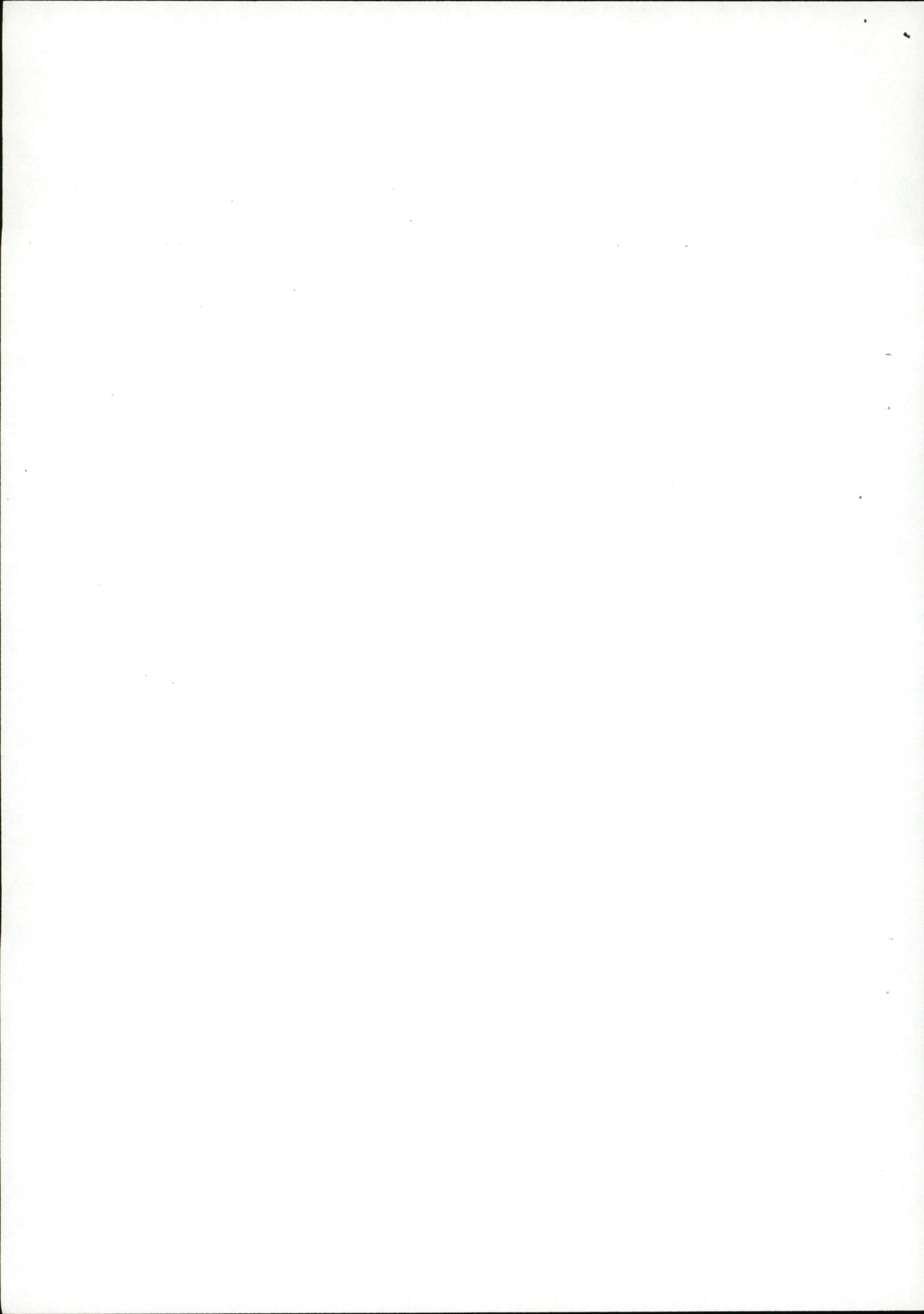
FIRST PRINT

**CONSTITUTION (LEGISLATIVE COUNCIL
RECONSTITUTION) SAVINGS BILL 1993**

NEW SOUTH WALES

TABLE OF PROVISIONS

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**CONSTITUTION (LEGISLATIVE COUNCIL
RECONSTITUTION) SAVINGS BILL 1993**

NEW SOUTH WALES

No. , 1993

A BILL FOR

An Act to make savings provisions in respect of certain entitlements of members of the Legislative Council who ceased to be members by virtue of the Constitution (Legislative Council) Amendment Act 1991 to ensure equality of treatment of those former members.

Constitution (Legislative Council Reconstitution) Savings 1993

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the Constitution (Legislative Council Reconstitution) Savings Act 1993.

5 Commencement

2. This Act is taken to have commenced on 1 July 1991, being the date on which the 1991 reconstitution Act commenced.

Object of Act

3. The object of this Act is to ensure equality of treatment of the 3 former members of the Legislative Council who ceased to be members as a consequence of the reconstitution of the Legislative Council in 1991 and, in particular, equality of treatment under the Parliamentary Contributory Superannuation Act 1971.

Definitions

4. In this Act:

“former member” means a person to whom this Act applies;

“the 1991 reconstitution Act” means the Constitution (Legislative Council) Amendment Act 1991.

Former members to whom Act applies

5. This Act applies to a person who ceased to be a member of the Legislative Council because of the operation of section 17 (3) of the Constitution Act 1902, as inserted by the 1991 reconstitution Act.

Saving in respect of former members

6. (1) For the purposes of the Parliamentary Contributory Superannuation Act 1971, each former member is, on the commencement of the 1991 reconstitution Act, taken to have been entitled to salary in respect of an aggregate period of 7 years.

(2) Section 20 of the Parliamentary Contributory Superannuation Act 1971 applies to a former member whose entitlement to a pension under that Act depends on the operation of this Act as if the period of three months referred to in section 20 (2) (a) of that Act commenced on the date of assent to this Act.

Constitution (Legislative Council Reconstitution) Savings 1993

- (3) This section does not apply to or affect:
- (a) a former member who was, on the commencement of the 1991 reconstitution Act, entitled to salary in respect of an aggregate period of more than 7 years; or
 - (b) a former member who has accepted a refund of contributions or a supplementary benefit after ceasing to be a member. 5

Other entitlements to compensation etc. not affected

7. This Act does not affect any entitlement of a former member (except an entitlement under the Parliamentary Contributory Superannuation Act 1971) that is in the nature of compensation or otherwise for ceasing to be a member because of the operation of section 17 (3) of the Constitution Act 1902, as inserted by the 1991 reconstitution Act. 10

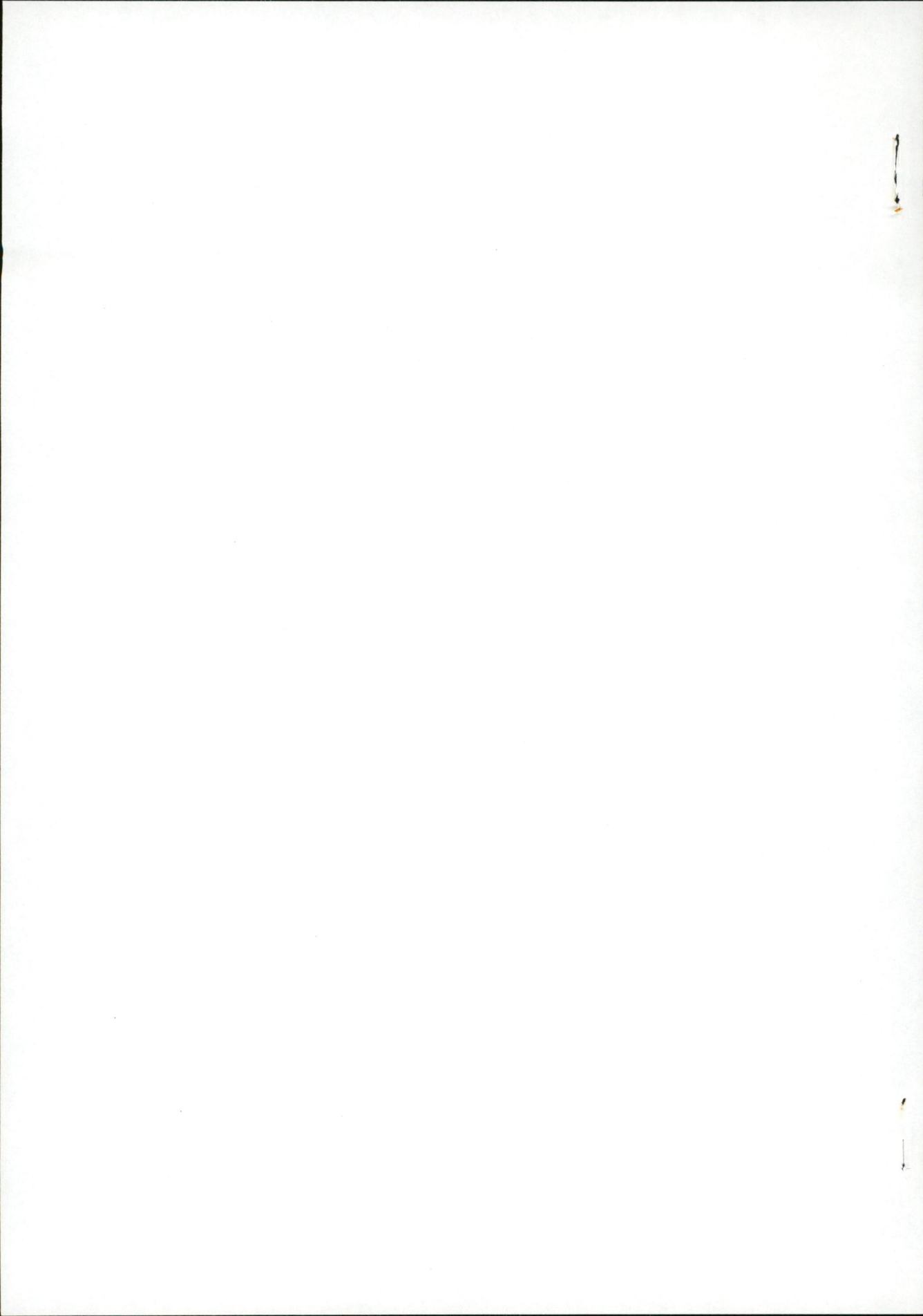
**CONSTITUTION (LEGISLATIVE COUNCIL
RECONSTITUTION) SAVINGS ACT 1993 No. 19**

NEW SOUTH WALES



TABLE OF PROVISIONS

1. Short title
 2. Commencement
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-



**CONSTITUTION (LEGISLATIVE COUNCIL
RECONSTITUTION) SAVINGS ACT 1993 No. 19**

NEW SOUTH WALES



Act No. 19, 1993

An Act to make savings provisions in respect of certain entitlements of members of the Legislative Council who ceased to be members by virtue of the Constitution (Legislative Council) Amendment Act 1991 to ensure equality of treatment of those former members. [Assented to 2 June 1993]

Constitution (Legislative Council Reconstitution) Savings Act 1993 No. 19

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the Constitution (Legislative Council Reconstitution) Savings Act 1993.

Commencement

2. This Act is taken to have commenced on 1 July 1991, being the date on which the 1991 reconstitution Act commenced.

Object of Act

3. The object of this Act is to ensure equality of treatment of the 3 former members of the Legislative Council who ceased to be members as a consequence of the reconstitution of the Legislative Council in 1991 and, in particular, equality of treatment under the Parliamentary Contributory Superannuation Act 1971.

Definitions

4. In this Act:

“former member” means a person to whom this Act applies;

“the 1991 reconstitution Act” means the Constitution (Legislative Council) Amendment Act 1991.

Former members to whom Act applies

5. This Act applies to a person who ceased to be a member of the Legislative Council because of the operation of section 17 (3) of the Constitution Act 1902, as inserted by the 1991 reconstitution Act.

Saving in respect of former members

6. (1) For the purposes of the Parliamentary Contributory Superannuation Act 1971, each former member is, on the commencement of the 1991 reconstitution Act, taken to have been entitled to salary in respect of an aggregate period of 7 years.

(2) Section 20 of the Parliamentary Contributory Superannuation Act 1971 applies to a former member whose entitlement to a pension under that Act depends on the operation of this Act as if the period of three months referred to in section 20 (2) (a) of that Act commenced on the date of assent to this Act.

Constitution (Legislative Council Reconstitution) Savings Act 1993 No. 19

(3) This section does not apply to or affect:

- (a) a former member who was, on the commencement of the 1991 reconstitution Act, entitled to salary in respect of an aggregate period of more than 7 years; or
- (b) a former member who has accepted a refund of contributions or a supplementary benefit after ceasing to be a member.

Other entitlements to compensation etc. not affected

7. This Act does not affect any entitlement of a former member (except an entitlement under the Parliamentary Contributory Superannuation Act 1971) that is in the nature of compensation or otherwise for ceasing to be a member because of the operation of section 17 (3) of the Constitution Act 1902, as inserted by the 1991 reconstitution Act.

*[Member's second reading speech made in—
Legislative Council on 21 May 1993*

*Minister's second reading speech made in—
Legislative Assembly on 21 May 1993]*

