

Constitution (Duration of Parliament) Bill

CLAUSE NOTES

<i>Clause Number</i>	<i>Effect of Amendment</i>	<i>Section of Principal Act Amended</i>
Clause 1 (1)	Title of Act.	
Clause 1 (2)	Act to commence on October 14 1984.	
Clause 2	Division of Act into Parts.	
Clause 3	Defines "Principal Act" for Part 1 of Act.	
Clause 4	Amends term of office of Members of Legislative Council as follows: <ol style="list-style-type: none">(1) From election until the expiration or dissolution of 2nd Legislative Assembly after election, or upon earlier dissolution of Legislative Council.(2) At General Election for Legislative Council, Member first elected for Province to hold office until expiration or dissolution of 2nd Legislative Assembly after election, and Member second elected for Province to hold office until expiration or dissolution of 1st Legislative Assembly after election. In both cases term of office expires upon earlier dissolution of Legislative Council.(3) Member elected at periodical or general election except the first periodical Council election to hold office from polling day. Member elected at first periodical election for Council to hold office from 15 July 1985 until expiration or dissolution of 2nd Legislative Assembly after election.(4) Member elected at by-election to hold office from declaration of poll until expiration of term of previous Member.(5) Retiring Member eligible for re-election.(6) (a) Term of office of Members due to retire on 14 July 1985, to expire on the expiry or dissolution of Legislative Assembly next occurring after commencement of Act, or upon earlier dissolution of Legislative Council.(6) (b) Term of office of Members due to retire on 26 June 1988, to expire on the expiry or dissolution of Legislative Assembly elected at first election after commencement of Act, or upon earlier dissolution of Legislative Council.	Section 28 of <i>Constitution Act 1975</i>
Clause 5	Amends period of duration of Legislative Assembly <ol style="list-style-type: none">(1) Present Legislative Assembly to continue until 27 April 1985, unless dissolved earlier.(2) Legislative Assembly elected after commencement of Act to exist for four years from date of first meeting unless dissolved earlier.	Section 38 of <i>Constitution Act 1975</i> .
Clause 6	Any Member of Legislative Council at commencement of Act whose term of office ceases at an earlier date than previously specified by Act, because of operation of amending Act, to be regarded, for purposes of Part II of <i>Parliamentary Salaries and Superannuation Act 1968</i> — "Parliamentary Contributory Superannuation"— as continuing to hold office until previously specified end of term of office, if he contests the periodical election but fails to be re-elected.	
Clause 7	Defines "Principal Act" for Part II of Act.	

<i>Clause Number</i>	<i>Effect of Amendment</i>	<i>Section of Principal Act Amended</i>
Clause 8 (a)	Substitutes new interpretations for "President" and "Speaker"; Repeals interpretation of "Conjoint Election" and inserts interpretation of "Simultaneous Election".	Section 3 (1) of <i>The Constitution Act Amendment Act 1958.</i>
Clause 8 (b)	Repeals provision restricting the operation of Sections of Act relating to "Conjoint Elections".	Section 3 (2) of <i>The Constitution Act Amendment Act 1958.</i>
Clause 9	Brings provisions of old Sections 149, 150, and 151 together in one new Section 149 with following alterations: (1) Writs for Periodical Legislative Council elections to be issued by Governor (not President) within seven days after expiration or dissolution of Legislative Assembly; (2) Writs for an Assembly General Election and the corresponding Council Periodical Election to be issued on same day; (3) President to give notice prior to issue of Writ for Legislative Council by-election.	Sections 149, 150, and 151 of <i>The Constitution Act Amendment Act 1958.</i>
Clauses 10 and 11	Writs for Assembly General Election and Council Periodical Election issued on same day to fix same day for nominations and same day for polling in all cases.	Section 153.
Clauses 12 to 14 and 16 to 21	Substitutes expression "Simultaneous Election" for "Conjoint Election".	Sections 154 (1) 155 (3), 187A, 238A, 252 (e), 268, 270 (2), 306A, 311 (1A).
Clause 15	At General Election for Legislative Council, Member first elected for Province to hold office until expiration or dissolution of 2nd Legislative Assembly after election, and Member second elected for Province to hold office until expiration or dissolution of 1st Legislative Assembly after election. In both cases term of office expires upon earlier dissolution of Legislative Council. Where no polling takes place in any Province it shall be decided by lot which Member is first elected and which Member is second elected.	Section 216.
Clause 22	Provides that a simultaneous election for Council members whose term is to expire on 14 July 1985 will be held with first Assembly election held under the amended law.	