

Constitution (Legislative Council) Bill

EXPLANATORY MEMORANDUM

Outline

The purpose of this Bill is to implement a package of reforms to the Legislative Council.

The Bill makes provision for the following:

- (a) simultaneous election of both Houses of the Parliament;
- (b) rationalisation of the number, and method of election, of Legislative Council members;
- (c) passage of Supply Bills by the Legislative Assembly only;
- (d) filling of casual vacancies consistent with the intention of the electorate;
- (e) empowering the President of the Legislative Council to have a deliberative and not a casting vote;
- (f) resolution of deadlocks between the Houses;
- (g) other matters of a procedural or consequential nature.

Notes on Clauses

Clause 1 Purpose.

Clause 2 Commencement. The commencement of operation of the provisions of the Act will be staggered to permit smooth implementation of the amendments.

Clause 3 Defines the Principal Act in Part 2 of the Bill as the *Constitution Act 1975*.

Clause 4 Provides for the Legislative Council to be elected for a term of four years concurrently and simultaneously with the Legislative Assembly.

Clause 5 Provides that the Legislative Council shall comprise 5 provinces each returning 9 members and makes transitional provision for the next general election.

Clause 6 Provides the procedure for the filling of casual vacancies for the Legislative Council so that:

- if the vacating member was elected as a member of a registered political party, that registered political party shall nominate a replacement to fill the vacancy;
- if the vacating member was not elected as a member of a registered political party, a recount shall be conducted to fill the vacancy; and
- where a vacancy otherwise occurs, an election shall be held to fill the vacancy.

Clause 7 Makes provision for the duration of the Legislative Council.

Clause 8 Provides that where there is an equality of votes in respect of a question arising in the Legislative Council, the question shall be decided in the negative and the President of the Legislative Council shall have a deliberative vote not a casting vote.

Clause 9 Reduces the number of Legislative Assembly seats to 85 effective (by means of the commencement provision on Clause 2) for the general election after the next one.

Clause 10 Amends the Act to give effect of the intention that all Ministers be located in the Legislative Assembly and be enabled to answer question in both Houses.

Clause 11 Defines "Supply Bill" and provides that:

- all Government Bills shall originate in the Legislative Assembly and after approval be sent to the Legislative Council with a recommendation as to whether the Bill should be examined by a Committee of the Council or of the Parliament;
- members are enabled to introduce Private Member's Bill in both Houses, whether or not they involve expenditure of State revenue;
- Taxing Bills are to originate in the Assembly and may be rejected but not altered by the Council;
- Supply Bills shall become law upon being passed by the Legislative Assembly.

Clause 12 Provides that deadlocks between the Assembly and the Council are to be resolved by a joint sitting of both Houses.

Clause 13 Defines the Principal Act in Part 3 of the Bill as *The Constitution Act Amendment Act 1958*.

Clause 14 Makes consequential amendments to the Act in relation to the simultaneous election of the Assembly and the Council.

Clause 15 Makes consequential amendments to the Act in relation to the issue of writs and general elections.

Clause 16 and **Clause 17** Amend the Act to provide for procedures for the nomination of candidates and for the names of candidates to be grouped in the ballot-papers.

Clause 18 Makes consequential amendments to the Act in relation to ballot-papers.

Clause 19 Amends the Act to enable the determination of the order of candidates on ballot-papers to take account of the grouping of candidates.

Clause 20 Makes provision for voters to have the option of group voting or voting for individual candidates.

Clause 21 Enables ballot-papers to be printed with the names of candidates grouped along with the name of the political party which endorsed the group.

Clause 22 Provides for posters showing group voting tickets to be displayed at each polling booth.

Clause 23 Makes a consequential amendment in relation to Council elections being held concurrently and simultaneously with the Assembly.

Clause 24 Provides for the method by which voters are to mark their votes in a Council election.

Clause 25 Amends the Act to insert a new Division 13A relating to voting for the Council. The new Division is based on the Commonwealth Senate system and provides for Council elections to be on the basis of proportional representation with the method of voting quota preferential.

Clause 26 Effects minor amendments of a consequential nature.

Clause 27 Substitutes a new Tenth Schedule in the Act providing for the form of ballot-papers for Council elections.

Clause 28 Amends the *Electoral Commission Act 1982* to provide that of the five provinces comprising the Council two will have a rural focus whilst three will have an urban focus. For the next general election only, two rural provinces will consist of 17 Assembly districts and three metropolitan provinces will consist of 18 Assembly districts. In later general elections, the number of of Assembly seats will be reduced to 85 (see Clause 9) and there will be a corresponding reduction in the metropolitan provinces so that they will consist of 17 Assembly districts.

Clause 29 Makes minor amendments of a consequential nature to the *Parliamentary Committees Act 1968*.

Clause 30 Makes minor amendments of a consequential nature to the *Parliamentary Salaries and Superannuation Act 1968*.

