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The Parliament of Victoria enacts:

PART 1—PRELIMINARY

1 Purpose

The purpose of this Act is to—

(a) amend the Parliamentary Salaries and Superannuation Act 1968 to—

(i) set the basic salary for Members of Parliament from 1 July 2013 and
Part 1—Preliminary

provide a formula for the automatic annual adjustment of that amount;

(ii) provide for other allowances payable to Members of Parliament;

(iii) make related amendments;

(b) amend the Parliamentary Administration Act 2005 and the Public Administration Act 2004 in respect of the duties and entitlements of certain categories of employees;

(c) consequentially amend the Constitution Act 1975 and the Parliamentary Committees Act 2003.

2 Commencement

This Act comes into operation on 1 July 2013.
PART 2—PARLIAMENTARY SALARIES AND SUPERANNUATION ACT 1968

3 Amendment of section 3—definition of basic salary

(1) In section 3 of the Parliamentary Salaries and Superannuation Act 1968, for the definition of basic salary substitute—

"basic salary means—

(a) in respect of the financial year commencing 1 July 2013, the amount of $140 973;

(b) in respect of the financial year commencing 1 July 2014, an amount (calculated to the nearest dollar) equal to 102.5% of $140 973;

(c) in respect of the financial year commencing 1 July 2015 and each subsequent financial year, an amount (calculated to the nearest dollar) determined in accordance with the formula—

\[ A \times \frac{B}{C} \]

where—

A is the amount determined under paragraph (b) or, if that amount has been varied in accordance with this paragraph, that amount as last so varied;

B is the full-time adult average weekly ordinary time earnings of employees in Victoria for the November reference period in the preceding financial year as last published by the Australian
Part 2—Parliamentary Salaries and Superannuation Act 1968

Bureau of Statistics for that reference period;

\( C \) is the full-time adult average weekly ordinary time earnings of employees in Victoria for the November reference period of the financial year preceding the financial year referred to in B as last published by the Australian Bureau of Statistics for that reference period;".

(2) In section 3 of the Parliamentary Salaries and Superannuation Act 1968 insert the following definitions—

"general election has the same meaning as it has in section 3 of the Electoral Act 2002;

Presiding Officer means the President or the Speaker;".

4 Repeal of spent provisions

Sections 3A and 3B of the Parliamentary Salaries and Superannuation Act 1968 are repealed.

5 Sections 6 and 7 substituted—Salaries and allowances

For sections 6 and 7 of the Parliamentary Salaries and Superannuation Act 1968 substitute—

"6 Salaries and allowances

(1) A member is entitled to be paid—

(a) a salary at the rate per annum of the basic salary;

(b) if the member does not hold an office specified in the first column of the Table in respect of which an expense
allowance is specified in the third column of the Table, an expense allowance at the rate of 8% per annum of the basic salary;

(c) subject to subsection (2), if the member holds an office specified in the first column of the Table—

(i) an additional salary, if any, at the rate per annum of the basic salary specified in the second column of the Table;

(ii) in respect of which an expense allowance is specified in the third column of the Table, an expense allowance at the rate per annum of the basic salary specified in the third column of the Table instead of the expense allowance specified in paragraph (b);

(d) any other allowance specified in this Act to which the member is entitled;

(e) any other allowances at the rates prescribed by and in accordance with the regulations to which the member is entitled in accordance with the regulations.

(2) A member who concurrently holds more than one office specified in the first column of the Table is only entitled to receive—

(a) the highest additional salary amount specified in the second column of the Table in respect of the offices held by the member; and
(b) the highest expense allowance specified in the third column of the Table in respect of the offices held by the member.

(3) For the purposes of this section, the Leader of the Opposition must notify the Clerk of the Parliaments in writing of the name of any member who holds office as a Shadow Minister within 7 days of the member holding or ceasing to hold that office.

(4) The Leader of the Opposition may under subsection (3) notify a number of members who hold office as Shadow Ministers being a number that is not greater than the number of members who currently hold office as Ministers.

TABLE

<table>
<thead>
<tr>
<th>Office</th>
<th>Additional Salary</th>
<th>Expense Allowance</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>% per annum of basic salary</td>
<td>% per annum of basic salary</td>
</tr>
<tr>
<td>Premier</td>
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<td>42</td>
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<tr>
<td>Deputy Premier</td>
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<td>Any other responsible Minister of the Crown</td>
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<td>Leader of the Opposition</td>
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<td>President</td>
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<td>Speaker</td>
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<tr>
<td>Deputy President</td>
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<td>Deputy Speaker</td>
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<td>10</td>
</tr>
<tr>
<td>Deputy Leader of the Opposition in the Assembly</td>
<td>32</td>
<td>10</td>
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<tr>
<td>Leader of the Opposition in the Council</td>
<td>32</td>
<td>10</td>
</tr>
<tr>
<td>Office</td>
<td>Additional Salary</td>
<td>Expense Allowance</td>
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<td>----------------------------------------------------------------------</td>
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<tr>
<td>Leader of the Third Party in the Assembly (unless he or she is also Leader or Deputy Leader of the Opposition or a Minister of the Crown)</td>
<td>32</td>
<td>10</td>
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<tr>
<td>Cabinet Secretary</td>
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<td>10</td>
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<tr>
<td>Shadow Ministers</td>
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<tr>
<td>Chairperson of the Public Accounts and Estimates Committee</td>
<td>20</td>
<td></td>
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<tr>
<td>Government Whip in the Assembly</td>
<td>18</td>
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<tr>
<td>Deputy Leader of the Opposition in the Council</td>
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<td></td>
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<tr>
<td>Leader of Third Party in the Council (unless he or she is also Leader or Deputy Leader of the Opposition or a Minister of the Crown)</td>
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<td>Parliamentary Secretaries</td>
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<td>Chairperson of the Scrutiny of Acts and Regulations Committee</td>
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<tr>
<td>Chairperson of the Accountability and Oversight Committee</td>
<td>15</td>
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<tr>
<td>Chairperson of the IBAC Committee</td>
<td>15</td>
<td></td>
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<tr>
<td>Deputy Leader of the Third Party in the Assembly (unless he or she is also Leader or Deputy Leader of the Opposition or a Minister of the Crown)</td>
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<tr>
<td>Office</td>
<td>Additional Salary % per annum of basic salary</td>
<td>Expense Allowance % per annum of basic salary</td>
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<tr>
<td>----------------------------------------------------------------------</td>
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<tr>
<td>Government Whip in the Council</td>
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<tr>
<td>Opposition Whip in the Assembly</td>
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<tr>
<td>Opposition Whip in the Council</td>
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<tr>
<td>Whip of the Third Party in the Assembly</td>
<td>11</td>
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</tr>
<tr>
<td>Chairperson of a Joint Investigatory Committee within the meaning of the Parliamentary Committees Act 2003 which is not otherwise provided for in this Table</td>
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</tr>
<tr>
<td>Chairperson of joint select committee where resolution establishing committee so provides that chairperson is entitled</td>
<td>5</td>
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<tr>
<td>Deputy chairperson of the Public Accounts and Estimates Committee</td>
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<tr>
<td>Deputy chairperson of the Scrutiny of Acts and Regulations Committee</td>
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<tr>
<td>Deputy chairperson of the Accountability and Oversight Committee</td>
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<tr>
<td>Deputy chairperson of the IBAC Committee</td>
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<td></td>
</tr>
<tr>
<td>Whip of the Third Party in the Council</td>
<td>4</td>
<td></td>
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Authorised by the Chief Parliamentary Counsel

8
### Calculation of salaries and allowances under section 6

1. Any payment to which any person is entitled under section 6 by reason only of being a member of the Council or the Assembly is to be calculated—
   
   (a) from and including the day appointed for taking the poll at the election at which the person was elected; or
   
   (b) in the case of a person elected at a by-election without the taking of a poll, from and including the day of the declaration of the election; or
   
   (c) in the case of a person who becomes a member of the Council as a result of being chosen under section 27A of the Constitution Act 1975 to fill a casual vacancy in the Council, from and including the day that the person is chosen to fill the casual vacancy.

2. Subject to subsections (4) and (5), in the case of any member who immediately before retirement from the Council or the Assembly by effluxion of time was a member of the Council or the Assembly, any payment

<table>
<thead>
<tr>
<th>Office</th>
<th>Additional Salary</th>
<th>Expense Allowance</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>% per annum of basic salary</td>
<td>% per annum of basic salary</td>
</tr>
<tr>
<td>Secretary of the Party forming the Government</td>
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<tr>
<td>Secretary of the Opposition Party</td>
<td>4</td>
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</tr>
<tr>
<td>Secretary of the Third Party</td>
<td>4</td>
<td></td>
</tr>
</tbody>
</table>
referred to in section 6 is to be calculated up to but excluding the day appointed for taking the poll at the next following general election.

(3) Subject to subsections (4) and (5), in any case other than that specified in subsection (2) any payment referred to in section 6 is to be calculated up to the day when the member ceases to be a member.

(4) Subject to subsection (6), any payment to a person holding an office under the Crown or in the Parliament is to be calculated from and including the day upon which the person was appointed to the office up to and including the day upon which the person ceases to hold the office.

(5) For the purpose of calculating the entitlement under section 6 of a person who, immediately before a dissolution of the Assembly, holds the office of—

(a) Leader of the Opposition;

(b) Deputy Leader of the Opposition in the Assembly;

(c) Leader of the Opposition in the Council;

(d) Leader of the Third Party in the Assembly;

(e) Cabinet Secretary;

(f) Shadow Minister;

(g) Deputy Leader of the Opposition in the Council;
(h) Leader of the Third Party in the Council;

(i) Parliamentary Secretary——

is to be taken to continue to hold that office up to but excluding the day appointed for taking the poll at the next following general election.

(6) For the purpose of calculating the entitlement under subsection (2), a person who is a responsible Minister of the Crown or the President or the Speaker is to be taken to continue to hold office and to be a member so long as the person is or is deemed to be a responsible Minister or the Presiding Officer of the Council or the Assembly.

(7) The amount of any additional salary or allowance is to be calculated to the nearest dollar.".

6 New section 7E inserted—Resettlement allowance

After section 7D of the Parliamentary Salaries and Superannuation Act 1968 insert—

"7E Resettlement allowance

(1) This section applies to a person who—

(a) is not a member to whom Division 3 or 4 of Part 3 applies; and

(b) ceases to be a member of either House of the Parliament after a general election held after the commencement of the Parliamentary and Public Administration Legislation Amendment Act 2013 because he or she—
(i) did not seek re-election as a result of not being endorsed by a registered political party for any reason other than corrupt conduct; or

(ii) is defeated at the general election or declared not elected as a result of a declaration of the Court of Disputed Returns under the *Electoral Act 2002*.

(2) Subject to this section, a person to whom this section applies is entitled to a resettlement allowance calculated in accordance with subsection (3).

(3) The resettlement allowance is—

(a) if the person served as a member in the Parliament immediately prior to the general election, an amount equivalent to 3 months of the annual basic salary payable to the member immediately before the day of the general election; or

(b) if the person served as a member for a period of more than one consecutive Parliaments immediately prior to the general election, an amount equivalent to 6 months of the annual basic salary payable to the member immediately before the day of the general election.

(4) For the purposes of subsection (3), a person who becomes a member as a result of being—

(a) elected at a by-election to fill a vacancy in the Assembly; or
(b) chosen under section 27A of the Constitution Act 1975 to fill a casual vacancy in the Council—is to be taken to have been elected for the duration of the Parliament during which the vacancy occurred.

(5) A person must repay a resettlement allowance received under this section if, during the Parliament immediately after the general election at which he or she ceased to be a member, he or she—

(a) is declared elected as a result of a declaration of the Court of Disputed Returns under the Electoral Act 2002; or

(b) is re-elected as a member of either House of the Parliament; or

(c) becomes a member as a result of being chosen under section 27A of the Constitution Act 1975 to fill a casual vacancy in the Council.

(6) In this section—

corrupt conduct has the meaning given in section 4 of the Independent Broad-based Anti-corruption Commission Act 2011;

general election includes—

(a) a supplementary election held as a result of a failed election at a general election; or

(b) a re-election held as a result of a tied election at a general election;
registered political party has the meaning given in section 3 of the Electoral Act 2002.

7 Amendment of section 8—Regulations

(1) Insert the following heading to section 8 of the Parliamentary Salaries and Superannuation Act 1968—

"Regulations—General".

(2) For section 8(1) of the Parliamentary Salaries and Superannuation Act 1968 substitute—

"(1) The Governor in Council may make regulations for or with respect to—

(a) allowances payable under this Part (other than section 8A);  
(b) the calculation of those allowances;  
(c) the provision of any article, equipment or service to members;  
(d) the terms and conditions which are to apply to the provision and use of the article, equipment or service;  
(e) the alteration of the amount of, or the entitlement to, any allowances that would otherwise be payable to a member who is provided with the article, equipment or service;  
(f) the calculation and imposition of any contribution which the member is required to make from the salary of the member towards the cost of providing the article, equipment or service;  
(g) any other matter or thing which is required or permitted to be prescribed by this Part (other than section 8A or 8B) or necessary to be prescribed to
give effect to this Part (other than section 8A or 8B).

(1AA) The regulations may—

(a) leave any matter or thing to be from time to time determined, applied, dispensed with or regulated by a specified person or specified class of person;

(b) confer powers or impose duties in connection with the regulations on any specified person or specified class of persons.

(3) Sections 8(3) and (4) of the Parliamentary Salaries and Superannuation Act 1968 are repealed.

8 New sections 8A and 8B inserted

After section 8 of the Parliamentary Salaries and Superannuation Act 1968 insert—

"8A Regulations—Motor vehicles

(1) The Governor in Council may make regulations for or with respect to—

(a) the provision of motor vehicles to members;

(b) the terms and conditions which are to apply to the provision and use of that motor vehicle;

(c) the alteration of the amount of, or the entitlement to, any allowances that would otherwise be payable to a member who is provided with that motor vehicle;
(d) the calculation and imposition of any contribution which the member is required to make from the salary of the member towards the cost of providing that motor vehicle.

(2) The regulations may—

(a) leave any matter or thing to be from time to time determined, applied, dispensed with or regulated by a specified person or specified class of person;

(b) confer powers or impose duties in connection with the regulations on any specified person or specified class of persons;

(c) apply, adopt or incorporate (with or without modification) the provisions of any document, code, standard, rule, specification or method whether as formulated, issued, prescribed or published at the time the regulations are made.

(3) For the purposes of this section and any regulations made under this section, motor vehicle includes any related equipment or services.

8B Minister may make guidelines

(1) The Minister may, in relation to regulations made under section 8A, make guidelines containing policies and procedures for or with respect to the provision of motor vehicles to members.

(2) A member must comply with any guidelines made under this section.".
9 Amendment of section 9—Application of Consolidated Fund

Section 9(3) of the Parliamentary Salaries and Superannuation Act 1968 is repealed.

10 Amendment of section 31—The State's obligations to make contributions

(1) In section 31(4) of the Parliamentary Salaries and Superannuation Act 1968 after "those contributions" insert "or to the extent that the basic contributions fund cannot receive those contributions without the person incurring a liability to pay excess contributions tax on those contributions".

(2) In section 31(7) of the Parliamentary Salaries and Superannuation Act 1968 after "that Act" insert "plus an additional 6%".
PART 3—PARLIAMENTARY ADMINISTRATION ACT 2005

11 Amendment of section 4(1)—Definitions

In section 4(1) of the Parliamentary Administration Act 2005 insert the following definition—

"presiding officer means—

(a) in relation to the Legislative Council—the President; and

(b) in relation to the Legislative Assembly—the Speaker;".

12 Amendment of section 30—Employment of electorate officers

(1) In section 30(1) of the Parliamentary Administration Act 2005 for "President and the Speaker" substitute "presiding officers".

(2) In section 30(2) of the Parliamentary Administration Act 2005 for "President and the Speaker" substitute "presiding officers, acting jointly".

(3) After section 30(3) of the Parliamentary Administration Act 2005 insert—

"(4) Despite subsection (2), the duties and responsibilities of a person employed as an electorate officer are to be determined by the member who nominated that person.".
13 New section 30A inserted—Continuity of certain entitlements of former electorate officer

After section 30 of the Parliamentary Administration Act 2005 insert—

"30A Continuity of certain entitlements of former electorate officer

If within the period of 12 months after ceasing to be employed as an electorate officer, a person becomes employed—

(a) as a public sector employee within the meaning of section 4 of the Public Administration Act 2004; or

(b) as a Ministerial officer under section 98 of the Public Administration Act 2004; or

(c) as a Parliamentary adviser under section 99 of the Public Administration Act 2004—

the period of service as an electorate officer is to be recognised in determining any entitlements accruing as a result of becoming so employed in respect of which continuity of service is relevant unless the entitlement was paid out upon ceasing to be employed as an electorate officer.".

14 Amendment of section 31—Termination of employment

In section 31(2) of the Parliamentary Administration Act 2005—

(a) for "President and the Speaker" substitute "presiding officers";
(b) for "President and Speaker" substitute "presiding officers".
PART 4—PUBLIC ADMINISTRATION ACT 2004

15 New section 31B inserted—Continuity of certain entitlements of former public sector employee

After section 31A of the Public Administration Act 2004 insert—

"31B Continuity of certain entitlements of former public sector employee

If within the period of 12 months after ceasing to be employed as a public sector employee, a person becomes employed—

(a) as an electorate officer under section 30 of the Parliamentary Administration Act 2005; or

(b) as a Ministerial officer under section 98; or

(c) as a Parliamentary adviser under section 99—

the period of service as a public sector employee is to be recognised in determining any entitlements accruing as a result of becoming so employed in respect of which continuity of service is relevant unless the entitlement was paid out upon ceasing to be employed as a public sector employee.".

16 New section 98A inserted—Continuity of certain entitlements of former Ministerial officer

After section 98 of the Public Administration Act 2004 insert—

"98A Continuity of certain entitlements of former Ministerial officer

If within the period of 12 months after ceasing to be employed as a Ministerial officer, a person becomes employed—
(a) as a public sector employee within the meaning of section 4; or

(b) as an electorate officer under section 30 of the Parliamentary Administration Act 2005; or

(c) as a Parliamentary adviser under section 99—

the period of service as a Ministerial officer is to be recognised in determining any entitlements accruing as a result of becoming so employed in respect of which continuity of service is relevant unless the entitlement was paid out upon ceasing to be employed as a Ministerial officer.".

17 New section 99A inserted—Continuity of certain entitlements of former Parliamentary adviser

After section 99 of the Public Administration Act 2004 insert—

"99A Continuity of certain entitlements of former Parliamentary adviser

If within the period of 12 months after ceasing to be employed as a Parliamentary adviser, a person becomes employed—

(a) as a public sector employee within the meaning of section 4; or

(b) as a Ministerial officer under section 98; or

(c) as an electorate officer under section 30 of the Parliamentary Administration Act 2005—

the period of service as a Parliamentary adviser is to be recognised in determining any entitlements accruing as a result of becoming so employed in respect of which
continuity of service is relevant unless the entitlement was paid out upon ceasing to be employed as a Parliamentary adviser.".

__________________

s. 17
PART 5—CONSEQUENTIAL AMENDMENTS TO OTHER ACTS

18 Amendment of the Constitution Act 1975

(1) In section 5 of the Constitution Act 1975 insert the following definition—

"deputy presiding officer means—

(a) in relation to the Legislative Council—the Deputy President; and

(b) in relation to the Legislative Assembly—the Deputy Speaker;".

(2) In section 24 of the Constitution Act 1975 for "Chairman of Committees" (wherever occurring) substitute "deputy presiding officer".

19 Amendment of the Parliamentary Committees Act 2003

Sections 47 to 49 of the Parliamentary Committees Act 2003 are repealed.
PART 6—REPEAL OF AMENDING ACT

20 Repeal of amending Act

This Act is repealed on 1 July 2014.

Note

The repeal of this Act does not affect the continuing operation of the amendments made by it (see section 15(1) of the Interpretation of Legislation Act 1984).
ENDNOTES

† Minister's second reading speech—
Legislative Assembly: 9 May 2013
Legislative Council: 30 May 2013

The long title for the Bill for this Act was "A Bill for an Act to amend the Parliamentary Salaries and Superannuation Act 1968, the Public Administration Act 2004 and the Parliamentary Administration Act 2005, to consequentially amend the Constitution Act 1975 and the Parliamentary Committees Act 2003 and for other purposes."