

Legislative Council—No 105

As received from the House of Assembly and read a first time, 8 March 2016

South Australia

**Constitution (Appropriation and Supply)
Amendment Bill 2015**

A BILL FOR

An Act to amend the *Constitution Act 1934*.

Contents

Part 1—Preliminary

- 1 Short title
- 2 Commencement and operation
- 3 Amendment provisions

Part 2—Amendment of *Constitution Act 1934*

- 4 Amendment of section 60—Interpretation
- 5 Amendment of section 62—Power of Council as to money clauses
- 6 Substitution of section 63
 - 63 Annual Bills for appropriation and supply

Schedule 1—Transitional provision

- 1 Annual Bills for appropriation and supply
-

The Parliament of South Australia enacts as follows:

Part 1—Preliminary

1—Short title

- 5 This Act may be cited as the *Constitution (Appropriation and Supply) Amendment Act 2015*.

2—Commencement and operation

The commencement and operation of this Act is subject to the operation of the *Referendum (Appropriation and Supply) Act 2015*.

3—Amendment provisions

- 10 In this Act, a provision under a heading referring to the amendment of a specified Act amends the Act so specified.

Part 2—Amendment of *Constitution Act 1934*

4—Amendment of section 60—Interpretation

- (1) Section 60(4), definition of *appropriation Bill*—delete the definition
- 15 (2) Section 60(4), definition of *previously authorised purpose*—delete the definition

5—Amendment of section 62—Power of Council as to money clauses

- (1) Section 62(2)—delete "Subject to subsection (3) of this section, the Council" and substitute:
 - The Council
- 20 (2) Section 62(3)—delete subsection (3)

6—Substitution of section 63

Section 63—delete the section and substitute:

63—Annual Bills for appropriation and supply

(1) Subject to this section, if—

- 5 (a) the House of Assembly passes a prescribed annual Bill; and
(b) the Legislative Council—

- (i) fails to pass the Bill within the period of 1 month
after it is transmitted to the Legislative Council; or
(ii) rejects the Bill; or

- 10 (iii) passes the Bill with suggested amendments to
which the House of Assembly does not agree,

the prescribed annual Bill, with amendments (if any) to the Bill
certified by the Speaker to have been suggested by the Legislative
Council and agreed to by the House of Assembly, will be taken to be
15 a Bill that has passed both Houses of Parliament and will be
presented to the Governor for assent (and, on that assent, will be an
Act of the Parliament of South Australia).

20 (2) If an annual Appropriation Bill or Supply Bill in respect of a
particular financial year has been presented to the Governor for
assent in accordance with subsection (1), that subsection cannot be
applied to a further such Bill in respect of the same financial year (so
that the further annual Appropriation Bill or Supply Bill (as the case
may be) cannot be presented to the Governor for assent under
subsection (1)).

25 (3) In this section—

annual Appropriation Bill means a Bill (other than a Supply Bill)—

- (a) that appropriates money from the Consolidated Account in
respect of a particular financial year; and
(b) that deals only with such appropriation of such money;

30 ***prescribed annual Bill*** means any of the following Bills declared by
the Speaker, at the time that the Bill is introduced into the House of
Assembly, to be a prescribed annual Bill for the purposes of this
section:

- (a) an annual Appropriation Bill;
35 (b) a Supply Bill;

Supply Bill means a Bill—

- (a) that appropriates money from the Consolidated Account in
respect of a particular financial year pending the enactment
of the annual Appropriation Bill in respect of that year; and
40 (b) that deals only with such appropriation of such money.

Schedule 1—Transitional provision

1—Annual Bills for appropriation and supply

Section 63 of the *Constitution Act 1934*, as enacted by this Act, applies in relation to a prescribed annual Bill (within the meaning of that section) introduced into the Parliament after the commencement of this clause.

5