No 40 of 2021 assented to 4.11.2021

South Australia

# Constitution (Independent Speaker) Amendment Act 2021

An Act to amend the *Constitution Act 1934*.

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**The Parliament of South Australia enacts as follows:**

## Part 1—Preliminary

### 1—Short title

This Act may be cited as the *Constitution (Independent Speaker) Amendment Act 2021*.

### 2—Amendment provisions

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*

### 3—Amendment of section 6—Place and time for holding Sessions of Parliament

(1) Section 6(1)(c)—before "prorogue" insert:

except during a relevant election period

(2) Section 6—after subsection (2) insert:

(3) In this section—

***relevant election period*** means the period commencing on 1 July in the year immediately before a general election of members of the House of Assembly is held in accordance with section 28(1) and ending on the day of that general election (and includes, if the *Constitution (Independent Speaker) Amendment Act 2021* comes into operation during a relevant election period, the remainder of that relevant election period).

## 4—Amendment of section 34—Election of Speaker

(1) Section 34(1)—after "vote of the House" insert:

or in accordance with this section

(2) Section 34—after subsection (3) insert:

(4) A person who has been elected as Speaker must not, while occupying that office, be a member of, or actively participate in the votes and proceedings of, a registered political party, except during a relevant election period.

(5) A member of a registered political party who is elected as Speaker (other than during a relevant election period) and who does not resign from that party by the end of the day on which they were so elected will, at the end of that day, immediately vacate the office of Speaker.

(6) In this section—

***registered political party*** has the same meaning as in the *Electoral Act 1985*;

***relevant election period*** means the period commencing on 1 July in the year immediately before a general election of members of the House of Assembly is held in accordance with section 28(1) and ending on the day of that general election (and includes, if the *Constitution (Independent Speaker) Amendment Act 2021* comes into operation during a relevant election period, the remainder of that relevant election period).

(7) For the avoidance of doubt, a reference in this section to the votes and proceedings of a registered political party does not include votes and proceedings of the House of Assembly or a parliamentary committee of, or including, members of the House of Assembly.

### 5—Insertion of section 34A

After section 34 insert:

#### 34A—Removal of Speaker

(1) A person holding office as Speaker will immediately vacate that office if, on a motion approved by a majority of members of the House of Assembly in accordance with this section, the House of Assembly votes to remove the Speaker.

(2) A motion may be moved under this section by any member of the House of Assembly but will be of no effect unless—

(a) if it is the first such motion to be moved in relation to a particular person holding office as Speaker in that Parliament—the motion is seconded by another member of the House; or

(b) if it is the second or subsequent such motion to be moved in relation to a particular person holding office as Speaker in that Parliament—the motion is approved by a majority of members of the House.

(3) A vote on a motion under this section must be conducted by ballot in accordance with the procedures determined by the House of Assembly in relation to the election of the Speaker.

## Schedule 1—Transitional provision

### 1—Transitional provision

For the avoidance of doubt, section 6(1)(c) of the *Constitution Act 1934* (as amended by this Act) applies (on and after the commencement of this Act) for the remainder of the relevant election period that commenced on 1 July 2021.