

TASMANIA

**INTEGRITY COMMISSION (MEMBERS OF PARLIAMENT)
BILL 2021**

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INTEGRITY COMMISSION (MEMBERS OF PARLIAMENT) BILL 2021

(Brought in by Cassandra Stanwell O'Connor MP)

A BILL FOR

An Act to amend the *Integrity Commission Act 2009* to provide the circumstances when a Member of Parliament is still considered a Member of Parliament despite the vacation of their seat

Be it enacted by Her Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:

1. Short title

This Act may be cited as the *Integrity Commission (Members of Parliament) Act 2021*.

2. Commencement

This Act commences on the day on which this Act receives the Royal Assent.

3. Principal Act

In this Act, the *Integrity Commission Act 2009** is referred to as the Principal Act.

*No. 67 of 2009

4. Section 6A inserted (When a person is still a Member of Parliament)

After section 6 of the Principal Act, the following section is inserted in Part 1:

6A. When a person is still a Member of Parliament

- (1) For the purposes of this Act, a person is still a Member of Parliament –
 - (a) in the case of the Assembly, if an Assembly expiration has occurred, and the person was a member of the Assembly immediately prior to the Assembly expiration, if –
 - (i) nomination day in respect of that Assembly expiration has not transpired; or
 - (ii) nomination day in respect of that Assembly expiration has transpired, and the person is a candidate of an Assembly election in respect of that nomination day; or
 - (b) in the case of the Legislative Council, if a seat of the Legislative Council becomes vacant due to a Council election, and the person held that seat immediately prior to the vacancy, if –

- (i) nomination day in respect of that Council election has not transpired; or
 - (ii) nomination day in respect of that Council election has transpired, and the person is a candidate in that Council election.
- (2) For the purpose of subsections (1)(a)(ii) and (1)(b)(ii), a person is a candidate in respect of an election, if –
 - (a) the person has been publicly announced as a candidate under section 87 of the *Electoral Act 2004* in relation to that election; and
 - (b) the person has not withdrawn their nomination under section 87 *Electoral Act 2004* in relation to that election; and
 - (c) the declaration of polls in respect of that election has not transpired.

- (3) In this section –

Assembly means the House of Assembly of the Parliament of Tasmania;

Assembly election has the same meaning as in the *Electoral Act 2004*;

Assembly expiration means either –

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- (a) a proclamation dissolving the Assembly is published in the *Gazette*; or
- (b) the terms for which Members of the Assembly have been elected expire by effluxion of time –

has occurred.

Council election has the same meaning as in the *Electoral Act 2004*;

declaration of polls has the meaning conferred by section 148 of the *Electoral Act 2004*; and

nomination day has the same meaning as in the *Electoral Act 2004*.

5. Repeal of Act

This Act is repealed on the three hundred and sixty fifth day from the day on which all of the provisions of this Act commence.