



CONSTITUTION AMENDMENT (MEMBERSHIP OF STATE PARLIAMENT) BILL 2011

Tabled by Kim Booth MP, April 2011

Purpose of the Greens' Amendment Bill

The Tasmanian Greens' *Constitution Amendment (Membership of State Parliament) Bill 2011* seeks to amend the *Tasmanian Constitution Act 1934* to disallow members of the Tasmanian Parliament from holding seats in Local Government concurrently.

This will mirror current provisions of the *Constitution Act 1934* which makes it illegal to hold a seat in the Tasmanian Parliament as well as the Federal Parliament.

The Constitution Amendment (Membership of State Parliament) Bill 2011:

- ▲ Makes it unlawful to sit in either House of the Parliament of Tasmania while elected as a representative on any Tasmanian local council.
- ▲ Inserts the following new section (section 31A) into the *Constitution Act 1934*

State Membership

Section 31A. (1) No Member of either House of the Parliament of this State shall be capable of sitting as a Member of any municipal council and electoral district as defined in the Local Government Act 1993.

(2) If a Member of any municipal council and electoral district as defined in Subsection 31A (1) becomes a Member of either House of the Parliament of this State, his or her place in that Municipal council shall become vacant upon the day the Returning Officer declares him or her elected a Member of either House of the Parliament of Tasmania.

- ▲ This mirrors section 31 of the *Constitution Act 1934* which makes similar provision regarding membership of the Commonwealth Parliament.

Amendment to the Tasmanian Constitution Act 1934

The Tasmanian Greens believe that amendments to the State Constitution should only occur after consultation with the Tasmanian public via referendum.

The Greens have proposed a staggered process which would see this Bill be debated in the Parliament, and if it successfully passes both Houses, a date would not be set for its commencement until the Act is endorsed by the Tasmanian public at a referendum. The Greens propose that this referendum be held at the same time as the next general State Election.

Therefore this Bill makes provision for its proclamation (when it actually commences as Tasmanian law) to be deferred until the *Constitution Amendment (Membership of State Parliament) Act* has been tested at a statewide referendum;

This is set out in section 5 of the Bill:

5. This Act will be proclaimed only if a referendum affirms this legislation.

History of the Greens' Proposed Reforms:

- ▲ As a Greens' candidate during the 2002 State Election campaign Greens Member for Bass, Kim Booth MP, declared his intention to resign from his position as Councillor of the Meander Valley Council should he successfully be elected to the House of Assembly. At the same time he also promised to table legislation making dual levels of elected representation illegal.
- ▲ Upon the 2002 Declaration of the Polls, Mr Booth resigned his position on the Meander Valley Council.
- ▲ 2002: The Greens first table the *Constitution Amendment (Membership of State Parliament) Bill 2002*.
- ▲ 2004: The Greens re-introduced the Bill, as the *Constitution Amendment (Membership of State Parliament) Bill 2004*.
- ▲ 2005: The Greens bring the Bill on for debate in October. Despite it being identified on Labor's policy platform in August 2005, the Bill was defeated: 4 in support (Greens) to 16 against (Labor and Liberal).
- ▲ 2011: The Greens re-introduce the Bill for a third time in April, the *Constitution Amendment (Membership of State Parliament) Bill 2011*.