

LEGISLATIVE COUNCIL

Read 1° 17 July 1985

(Brought in by the Honourable J. H. Kennan)

A BILL

To limit the powers of the Legislative Council with respect to Supply Bills and for that purpose to amend the *Constitution Act 1975* and for other purposes.

5 BE IT ENACTED by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and the Legislative Assembly of Victoria in this present Parliament assembled and by the authority of the same as follows (that is to say):

Short title.

1. This Act may be cited as the *Constitution (Supply Bills) Act 1985*.

Commencement.

10 2. This Act shall come into operation on the day on which it receives the Royal Assent.

Principal Act.

3. In this Act, the *Constitution Act 1975* is called the Principal Act.

No. 8750.
Reprinted to No.
10146.

Limitation of Powers of Council with respect to Supply Bills.**4. The Principal Act is amended as follows:**

- (a) In section 8 (3)—
 - (i) at the end of paragraph (b) there shall be inserted the word “or”; and 5
 - (ii) paragraph (c) shall be repealed;
- (b) In section 8, sub-sections (4), (5) and (6) shall be repealed;
- (c) In section 62, after the words “in the Assembly and” there shall be inserted the words “, subject to section 65A”;
- (d) After section 65 there shall be inserted the following section: 10

Supply Bills.

‘65A. (1) In this Division, “Supply Bill” means a Bill which deals only with the appropriation of the Consolidated Fund for the ordinary annual services of the Government of a particular year only but does not include a Bill to appropriate moneys for— 15

- (a) the construction or acquisition of public works, land or buildings;
- (b) the construction or acquisition of plant or equipment which normally would be regarded as involving an expenditure of capital; 20
- (c) appropriations for services proposed to be provided by the Government which have not formerly been provided by the Government; or
- (d) appropriations for or relating to the Parliament. 25

(2) If a Supply Bill has been passed by the Assembly and sent up to the Council at least one month before the end of the Session and is not passed by the Council without amendment within one month after it is sent up to the Council, the Bill shall, unless the Assembly directs to the contrary, be presented to the Governor for Her Majesty’s Assent and become an Act of Parliament on the Royal Assent being signified notwithstanding that the Council has not consented to the Bill. 30

- (3) There shall be endorsed on every Supply Bill— 35
 - (a) when it is sent to the Council; and
 - (b) when it is presented to the Governor for Her Majesty’s Assent under the provisions of this section—

the certificate of the Speaker signed by the Speaker that it is a Supply Bill. 40

(4) A certificate of the Speaker given under this section shall be conclusive for all purposes and shall not be questioned in any court of law.

5 (5) In every Supply Bill presented to the Governor for Her Majesty's Assent under the provisions of this section, the words of enactment shall be as follows, that is to say: "Be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Victoria in this present Parliament assembled, in accordance with section 65A of the *Constitution Act 1975* and by authority of the same, as follows (that is to say):".

10 (6) An alteration of a Bill necessary to give effect to sub-section (5) shall not be deemed to be an amendment of the Bill.;

(e) After section 66 (2) there shall be inserted the following sub-section:

15 "(3) In this section, a reference to a Bill does not include a reference to a Supply Bill."; and

(f) After section 67 (4) there shall be inserted the following sub-section:

"(5) In this section, a reference to a Bill does not include a reference to a Supply Bill."

20 **Amendment to cease to have effect on 31 December 1988.**

25 5. The amendments made to the Principal Act by section 4 continue in force until 31 December 1988 and no longer and on and after 1 January 1989 the Principal Act shall have effect as if this Act had not been enacted.

