

Parliamentary Presiding Officers

No. 5 of 1965

An Act relating to the
Exercise in certain circumstances of Statutory Powers
and Functions of Parliamentary Presiding Officers.

[Assented to 12 April, 1965]

[Date of commencement, 10 May, 1965]

BE it enacted by the Queen's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows:—

Short title.

1. This Act may be cited as the *Parliamentary Presiding Officers Act 1965*.

Definition.

2. In this Act, "Presiding Officer" means—

(a) in relation to the Senate—the President of the Senate;
and

(b) in relation to the House of Representatives—the Speaker
of the House of Representatives.

Presiding
Officer to be
deemed to
continue to be
Presiding
Officer after
resignation.

3. If the Presiding Officer of either House of the Parliament resigns his office or his seat, he shall, for the purposes of the exercise of any powers or functions by the Presiding Officer of that House under a law of the Commonwealth, be deemed to continue to be the Presiding Officer of that House (whether or not that House is dissolved after he so resigns) until a Presiding Officer is chosen by that House.

President of
Senate to be
deemed to
continue to be
President after
expiration of
term of service.

4. If the President of the Senate ceases to be a senator by reason of the expiration of his term of service, he shall, for the purposes of the exercise of any powers or functions by the President of the Senate under a law of the Commonwealth, be deemed to continue to be the President of the Senate (whether or not the Senate is dissolved after he so ceases to be a senator) until a President is chosen by the Senate.

5.—(1.) If—

- (a) the Presiding Officer of either House of the Parliament;
or
- (b) a person who, by virtue of either of the last two preceding sections, is to be deemed, for the purposes of the exercise of any powers or functions by the Presiding Officer of either House of the Parliament, to continue to be the Presiding Officer of that House,

Chairman of Committees to be deemed to be Presiding Officer in event of death, absence or incapacity of Presiding Officer.

dies, is absent from the Commonwealth or is incapable by reason of illness from exercising any powers or functions under a law of the Commonwealth, the Chairman of Committees of that House shall, for the purposes of the exercise of any powers or functions by the Presiding Officer of that House under a law of the Commonwealth, be deemed to be the Presiding Officer of that House (whether or not that House is dissolved after the death or during the absence or incapacity) until a Presiding Officer is chosen by that House or the absence or incapacity terminates, as the case may be.

(2.) For the purposes of the last preceding sub-section, where there is no Chairman of Committees of a House of the Parliament, the person who last held office as Chairman of Committees of that House shall be deemed to continue to be the Chairman of Committees of that House until a Chairman of Committees of that House is appointed by that House.

6. Where either House of the Parliament is dissolved, the person, if any, who was the Presiding Officer of that House immediately before the dissolution shall, for the purposes of the exercise of any powers or functions by the Presiding Officer of that House under a law of the Commonwealth, be deemed to continue to be the Presiding Officer of that House until a Presiding Officer is chosen by that House.

Presiding Officer to be deemed to continue to be Presiding Officer after dissolution of House.

7. If, after either House of the Parliament has been dissolved, the person, if any, who was the Presiding Officer of that House immediately before the dissolution dies, is absent from the Commonwealth or is incapable by reason of illness of exercising any powers or functions under a law of the Commonwealth, the person who last held office as Chairman of Committees of that House shall, for the purposes of the exercise of any powers or functions by the Presiding Officer of that House under a law of the Commonwealth, be deemed to be the Presiding Officer of that House until a Presiding Officer is chosen by that House or the absence or incapacity terminates, as the case may be.

Chairman of Committees to be deemed to be Presiding Officer in event of death, absence or incapacity of Presiding Officer after dissolution of House.