

Legislative Council—No 190

As introduced and read a first time, 29 March 2017

South Australia

**Constitution (Council Member Contesting
Election) Amendment Bill 2017**

A BILL FOR

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

5 This Act may be cited as the *Constitution (Council Member Contesting Election) Amendment Act 2017*.

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—Insertion of section 45A

10 After section 45 insert:

45A—Council member contesting election

- 15 (1) If a person holding office as a member of a council (within the meaning of the *Local Government Act 1999*) stands as a candidate for election as a member of Parliament, the following provisions apply:
- 20 (a) if the member is endorsed as a candidate for election by a registered political party—the member will be taken to have been granted leave of absence from the office of member of the council from the date of the issue of the writ for the election until the close of poll on polling day;
 - 25 (b) if the member is not endorsed as a candidate for election by a registered political party—the member will be taken to have been granted leave of absence from the office of member of the council from the date on which nominations for the election close until the close of poll on polling day.

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- (2) If the nomination as a candidate for election of a member of a council referred to in subsection (1) is revoked (as a result of the member's withdrawal of their consent to stand as a candidate)—
- (a) in the case of a member referred to in paragraph (a) of subsection (1)—the leave of absence under that paragraph ceases on the date of the revocation of the nomination; or
 - (b) in the case of a member referred to in paragraph (b) of subsection (1)—that paragraph will not apply (so that the leave of absence will not commence under paragraph (b)).
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- (3) A person who is on leave of absence from the office of member of a council under this section must not carry out any function or duty of that office during the period of leave.