

House of Assembly—No 164

As received from the Legislative Council and read a first time, 3 December 2009

South Australia

**Constitution (Fixed Session Preceding Election)
Amendment Bill 2009**

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

This Act may be cited as the *Constitution (Fixed Session Preceding Election) Amendment Act 2009*.

5 2—Commencement

This Act comes into operation on the day on which it is assented to by the Governor.

3—Amendment provisions

In this Act, a provision under a heading referring to the amendment of a specified Act amends the Act so specified.

10 Part 2—Amendment of *Constitution Act 1934*

4—Amendment of section 6—Place and time for holding Sessions of Parliament

Section 6—after subsection (1) insert:

- 15 (1a) Despite subsection (1), where a general election of members of the House of Assembly is to be held on a day fixed under section 28, the Governor—
 - 20 (a) must, before the end of the calendar year immediately preceding the calendar year in which the election is to be held, prorogue the Parliament and fix the first Tuesday in February of the year of the election as the time for holding the next session of the Parliament; and
 - (b) must not thereafter further prorogue the Parliament prior to the issue of a writ or writs for the election in accordance with section 28.

5—Amendment of section 28—Term of House of Assembly

(1) Section 28(2)—delete subsection (2) and substitute:

(2) The Governor must, where a general election is to be held on a day fixed under this section, dissolve the House of Assembly and issue a writ or writs for the election 1 month prior to the day of the election.

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(2) Section 28—after subsection (4) insert:

(4a) Subject to subsection (2), a writ or writs for a general election under this section must be issued in accordance with the provisions of the *Electoral Act 1985*.