

Legislative Council—No 125

As introduced and read a first time, 14 September 2011

South Australia

Constitution (Miscellaneous) Amendment Bill 2011

A BILL FOR

An Act to amend the *Constitution Act 1934*.

Contents

Part 1—Preliminary

- 1 Short title
- 2 Amendment provisions

Part 2—Amendment of *Constitution Act 1934*

- 3 Amendment of section 6—Place and time for holding sessions of Parliament
- 4 Substitution of section 7
 - 7 House of Assembly sitting days
- 5 Amendment of section 28—Term of House of Assembly
- 6 Amendment of section 28A—Early dissolution of House of Assembly
- 7 Insertion of section 28B
 - 28B Petition for early dissolution of House of Assembly
- 8 Insertion of section 65A
 - 65A Limitation on period for which person may hold office as Premier

Part 3—Transitional provision

- 9 Transitional provision
-

The Parliament of South Australia enacts as follows:

Part 1—Preliminary

1—Short title

This Act may be cited as the *Constitution (Miscellaneous) Amendment Act 2011*.

2—Amendment provisions

- 5 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—Amendment of section 6—Place and time for holding sessions of Parliament

Section 6—delete subsection (2) and substitute:

- 10 (2) There must be at least 1 session of the Parliament in each calendar year (or at least 2 sessions in the case of a calendar year in which an election referred to in subsection (3) is held).
- (3) Where a general election of members of the House of Assembly is to be held on a day fixed under section 28, the Governor—
 - 15 (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.

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(4) The Governor must give sufficient notice of the time and place fixed for holding a session of the Parliament and of any change in that time or place.

4—Substitution of section 7

Delete section 7 and substitute:

7—House of Assembly sitting days

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(1) No more than 70 days may intervene between 2 consecutive sitting days of the House of Assembly.

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(2) If the issue of a writ or writs for a general election takes place within 70 days after a sitting day, the maximum period between consecutive sitting days referred to in subsection (1) is extended by the number of days in the election period.

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(3) In this section—

election period, in relation to a general election, means the period commencing on the day of issue of the writ or writs for the general election and ending on the day on which the last writ to be returned is returned;

general election means a general election of the members of the House of Assembly;

sitting day means a day on which the House of Assembly sits for the transaction of business.

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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*.

6—Amendment of section 28A—Early dissolution of House of Assembly

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(1) Section 28A(1)—after paragraph (c) insert:

(ca) the Governor is obliged to act under section 28B; or

(2) Section 28A(1)—after paragraph (d) insert:

or

(e) section 7 is not complied with.

7—Insertion of section 28B

After section 28A insert:

28B—Petition for early dissolution of House of Assembly

- 5 (1) If the Governor receives a petition from the prescribed number of electors seeking the dissolution of the House of Assembly and the issuing of a writ or writs for a general election of members of the House of Assembly, the Governor must, within 30 days of receipt of the petition—
- 10 (a) dissolve the House of Assembly by proclamation; and
- (b) issue a writ or writs for a general election of members of the House of Assembly in accordance with Part 7 of the *Electoral Act 1985*.
- 15 (2) In this section—
- elector*, *electoral district* and *electoral roll* have the same meanings as in the *Electoral Act 1985*;
- prescribed number* means 10% of the number of electors on the electoral roll for the Legislative Council electoral district at the time of the last general election of members of the House of Assembly.

8—Insertion of section 65A

20 After section 65 insert:

65A—Limitation on period for which person may hold office as Premier

- 25 (1) A person must not hold office as Premier for a period of more than 8 years or 2 terms of the House of Assembly, whichever is the longer.
- (2) In this section—
- term of the House of Assembly* means the whole of the period between 2 consecutive general elections of members of the House of Assembly.

30 Part 3—Transitional provision

9—Transitional provision

Section 65A of the *Constitution Act 1934* as inserted by this Act does not apply to a person holding office as Premier immediately before the commencement of this Act.