

# **House of Assembly—No 5**

As laid on the table and read a first time, 10 May 2006

South Australia

## **Constitution (Term of Members of the Legislative Council) Amendment Bill 2006**

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 (Term of Members of the Legislative Council) Amendment Act 2006*.

#### 5 2—Commencement

The commencement of this Act is subject to the operation of the *Referendum (Term of Members of the Legislative Council) Act 2006* and, if approved at the referendum, this Act will come into operation on the day on which it is assented to by the Governor.

#### 3—Amendment provisions

- 10 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*

#### 4—Amendment of section 13—Casual vacancies

- (1) Section 13(2)—delete subsection (2) and substitute:
  - 15 (2) An assembly need not be held under subsection (1) to supply a casual vacancy if the vacancy occurs within 3 months before polling day for a general election of members of the House of Assembly under section 28.
- (2) Section 13(3)(b)—delete "(otherwise than in pursuance of section 41)"
- 20 (3) Section 13(3)(d)—delete paragraph (d)

## 5—Substitution of sections 14 and 15

Sections 14 and 15—delete the sections and substitute:

### 14—Term of Legislative Councillors

- 5                   (1) Subject to this Act, the term of office of a member of the Legislative Council is a term expiring on the dissolution or expiry of the House of Assembly (and the seat of a member is automatically vacated on the dissolution or expiry of the House of Assembly without the necessity of any action on the part of the member).
- 10                   (2) An election for members of the Legislative Council will take place at the time of the general election of members of the House of Assembly.

## 6—Amendment of section 25—Continuance of President in office after dissolution or retirement

Section 25(1)—delete "by periodical retirement, or"

## 7—Amendment of section 41—Settlement of deadlocks

- 15                   (1) Section 41(1)(g)—delete paragraph (g)
- (2) Section 41(2) and (3)—delete subsections (2) and (3) and substitute:
- 20                         (2) If the Legislative Council and House of Assembly are so dissolved, all members of both Houses will vacate their seats and members will be elected to supply the vacancies so created.

## Schedule 1—Transitional provisions

### 1—Transitional provision

- 25                   (1) This Act does not affect the term of office of a member of the Legislative Council elected before the day on which the referendum referred to in section 2 is held (or the term of office of a person chosen to occupy a vacant seat of such a member (if any)), and the *Constitution Act 1934* will continue to apply to such a member as if this Act had not been enacted.
- 30                   (2) However, in relation to a member of the Legislative Council referred to in subclause (1)—
- (a) when the member is required to retire in accordance with the provisions of the *Constitution Act 1934* applying to the member; or
- (b) if the Legislative Council is dissolved under section 41 of the *Constitution Act 1934*,
- 35                   then the member will, if re-elected, become subject to the *Constitution Act 1934* as amended by this Act.
- (3) If this Act is approved at a referendum held on the day on which a general election of members of the House of Assembly is held, then this Act, once assented to by the Governor, will affect the term of office of a member of the Legislative Council elected at the election for members of the Legislative Council held on that same day.