

Legislative Council—No 124

As introduced and read a first time, 14 September 2011

South Australia

**Electoral (Cost of By-elections) Amendment
Bill 2011**

A BILL FOR

An Act to amend the *Electoral Act 1985*.

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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 *Electoral (Cost of By-elections) 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 *Electoral Act 1985*

3—Insertion of section 53B

After section 53A insert:

10 **53B—Certain nominations must not be received**

- (1) This section applies if a by-election is to be held to fill a casual vacancy in the membership of the House of Assembly caused by the resignation of a member who was, immediately before resigning, a member of a registered political party.

15 **Note—**

This section will not apply to a by-election held to fill a casual vacancy caused by the death of a member or by vacation of a member's seat in accordance with section 31 of the *Constitution Act 1934*.

- 20 (2) The Electoral Commissioner must, as soon as practicable after the issue of the writ for the election, serve on the registered officer of the registered political party a written notice requiring the party to pay to the Electoral Commissioner an amount specified in the notice (being the Electoral Commissioner's estimate of the reasonable costs to the
- 25 Crown of holding the by-election).

(3) The registered officer of the registered political party may not nominate a person as a candidate endorsed by the party for the election unless the party has paid the amount specified in the notice under subsection (2).

5 (4) If the amount specified in the notice is not paid on or before the date on which the by-election is held, the Electoral Commissioner may recover the amount from the registered political party as a debt.

10 (5) The Electoral Commissioner may determine that this section does not apply to the resignation of a member if the Electoral Commissioner is satisfied that the resignation was reasonably necessary due to circumstances beyond the member's control (and if the Electoral Commissioner makes such a determination after serving a notice under this section in relation to the resignation, the notice will be void and of no effect).

15 **Example—**

If the retirement was due to a medical condition of the member or of a person who relies on the member for care, the Electoral Commissioner may determine that this section does not apply.