House of Assembly—No 50

As received from the Legislative Council and read a first time, 20 November 2014

South Australia

Electoral (House of Assembly Casual Vacancies) Amendment Bill 2014

A BILL FOR

An Act to amend the *Electoral Act 1985*; and to make a related amendment to the *Constitution Act 1934*.

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1 Amendment of section 30—Resignation of seats in the Assembly

The Parliament of South Australia enacts as follows:

Part 1—Preliminary

1—Short title

This Act may be cited as the *Electoral (House of Assembly Casual Vacancies) Amendment Act 2014.*

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 *Electoral Act 1985*

3—Amendment of section 47—Issue of writ

(1) Section 47(2)—delete "Speaker of the House of Assembly" and substitute:

Electoral Commissioner

(2) Section 47—after subsection (2) insert:

(2aaa) If the Electoral Commissioner—

- (a) has been given notice of a casual vacancy in the membership of the House of Assembly but has not issued a writ for a by-election for the purposes of subsection (2) in relation to the vacancy; and
- (b) is given notice of 1 or more further casual vacancies,

the Electoral Commissioner must fix in the writ for each by-election the same day for the polling, unless the Electoral Commissioner considers that there is good reason not to do so.

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- (2aa) If the Electoral Commissioner has issued a writ for a by-election for the purposes of subsection (2) in relation to a casual vacancy in the membership of the House of Assembly (the *first writ*) and—
 - (a) the Electoral Commissioner is given notice of 1 or more further casual vacancies; and
 - (b) it is possible (in accordance with the requirements of section 48) to fix in the writ or writs for the by-election or by-elections relating to the further casual vacancy or vacancies the same day for the polling as that fixed in the first writ.

the Electoral Commissioner must fix that day as the day for the polling in the writ for each by-election relating to the further vacancy or vacancies, unless the Electoral Commissioner considers that there is good reason not to do so.

4—Amendment of section 48—Contents of writ

Section 48(1)—after "Commissioner" insert:

(other than a writ issued under section 47(2))

5—Amendment of section 99—Declaration of poll and return of writs for House of Assembly

- (1) Section 99(3)—delete "return the writ to the Governor or the Speaker" and substitute:
 , if the Governor issued the writ for the election, return the writ to the Governor
- (2) Section 99—after subsection (3) insert:
 - (4) For the purposes of this Act, a writ for a by-election issued under section 47(2) will be taken to have been returned on the day on which the Electoral Commissioner endorses his or her certification for the purposes of subsection (3) on the writ.

Schedule 1—Related amendment to Constitution Act 1934

1—Amendment of section 30—Resignation of seats in the Assembly

Section 30—after subsection (2) insert:

(3) The Speaker or the Governor (as the case requires) must, as soon as is reasonably practicable after receipt of a resignation of a member of the House of Assembly under this section, notify the Electoral Commissioner of the resignation.

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