



ANNO TRICESIMO QUINTO

ELIZABETHAE II REGINAE

A.D. 1986

No. 120 of 1986

An Act to amend the Constitution Act, 1934.

[Assented to 18 December 1986]

The Parliament of South Australia enacts as follows:

1. (1) This Act may be cited as the “Constitution Act Amendment Act, 1986”. Short title.

(2) The Constitution Act, 1934, is in this Act referred to as “the principal Act”.

2. Section 45 of the principal Act is amended by inserting after subsection (1) the following subsection:

Amendment of s. 45—
Disqualification of members holding offices of profit.

(1a) Subsection (1) does not prevent a member of Parliament from accepting office as a Minister of the Crown, or a Minister of the Crown from accepting an appointment to act in the office of another Minister.

3. Section 67 of the principal Act is repealed and the following section is substituted:

Repeal of s. 67 and substitution of new section.

67. (1) The Governor may appoint a Minister to act in the office of another Minister.

Appointment of acting Ministers.

(2) An appointment under subsection (1) may authorize the appointee to act for—

(a) a specified period;

or

(b) a period terminating on the occurrence of a specified event,

(being a period for which the holder of the office is expected to be unavailable to carry out official duties);

(3) A Minister has, while acting in the office of another Minister in pursuance of an appointment under this section, all the powers, functions and duties of that other Minister.

(4) Notice of an appointment under this section shall be published in the *Gazette*.

(5) If, in any legal proceedings, it appears that a Minister has acted in the office of another Minister, the Minister shall be deemed, in the absence of proof to the contrary, to have acted in pursuance of an appointment under this section.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

D. B. DUNSTAN, Governor