

291

[CONFIDENTIAL.]

Suggestions Y

No. , 1929.

A BILL

To provide for the election of Members of the Legislative Council; to amend the Constitution Act, 1902; and for purposes connected therewith.

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the "Constitution Short title. Further Amendment (Election of Legislative Councillors) Act, 1929."

94647

(2)

2.

164

292

2. Subsection one of section fourteen of the Constitution Act, 1902, is amended by the omission of the words "summoned to the Legislative Council" and the substitution therefor of the words "elected to serve as a Member of the Legislative Council."

Amendment
of Act No.
32, 1902,
s. 14 (1).

3. (1) Section sixteen of the Constitution Act, 1902, is hereby repealed, and the following section is substituted therefor :—

Further
amendment of
Act No. 32, 1902,
Substituted
sec. 16.

16. The Legislative Council shall consist of sixty Members, who must be of the full age of twenty-one years and natural born subjects of His Majesty or naturalised in Great Britain or Australia.

Constitution
of Legislative
Council.

They shall be elected by the Members of the Legislative Assembly under the system of proportional representation and by the following method, that is to say, Members of the Legislative Assembly representing the forty-two electoral districts comprising the country area referred to in section 17A of the Parliamentary Electorates and Elections Act, 1912-1928, shall elect twenty-eight Members of the said Legislative Council, and the Members of the Legislative Assembly representing the remaining electoral districts comprising the Sydney area and the Newcastle area, referred to in such Act, shall elect the remaining thirty-two Members of the said Council :

Provided that of the persons chosen as Members of the Legislative Council first elected after the passing of this Act the first forty shall be selected from the persons comprising the Legislative Council at the date of such passing :

Provided also that the remaining persons who are Members of the Legislative Council at the date of such passing shall be eligible for election to the said Council :

Provided also that not less than four-fifths of the persons so elected as Members of the said Council shall consist of persons not holding any office of emolument under the Crown ; but officers in His Majesty

293

Majesty's sea, land, or air forces on full pay or half pay and retired officers on pension shall not be deemed to be persons holding an office of emolument under the Crown within the meaning of this section.

When any vacancy occurs in the Legislative Council through the death or resignation of a Member, his place shall be filled by the election in like manner of another person to hold office for the balance of the period for which his predecessor was elected.

Elections under this section shall be conducted in accordance with General Rules and Standing Orders adopted by the Legislative Council and the Legislative Assembly and approved by the Governor.

The word "persons" in this section shall be construed as including all women, whether married or unmarried.

(2) The Constitution (Amendment) Act, 1925, is hereby repealed.

Repeal of Act No. 1, 1926. (Consequential.)

4. Section seventeen of the Constitution Act, 1902, is hereby repealed, and the following section is substituted therefor:—

Further amendment of Act No. 32, 1902. Substituted sec. 17.

17. Members of the Legislative Council shall, subject to the provisions of this Act and any Act amending the same, hold their seats therein for a period of nine years :

Tenure of office.

Provided that of the sixty persons first elected as Members of the Legislative Council, one-third shall retire at the expiration of three years and another one-third at the expiration of six years from the date of their election, the order of retirement to be determined by the order in which they were elected as Members of such Council.

5. Section twenty-one of the Constitution Act, 1902, is hereby repealed, and the following section substituted therefor:—

Further amendment of Act No. 32, 1902. Substituted sec. 21.

21. (1) The Members of the Legislative Council shall upon the first re-assembly after an election to fill the vacancies caused by retirements referred to in

President.

in section sixteen, proceed forthwith to the election of one of their number to be President; and in case of his death, resignation, or removal by a vote of the said Legislative Council, the said Members shall forthwith proceed to elect another of such Members to be President.

(2) The President so elected shall preside at all meetings of the Legislative Council, except as may be provided by the Standing Rules and Orders hereinafter authorised to be made.

6. The following section is inserted in the Constitution Act, 1902, next after section fourteen, namely:—

14A. If any Bill has been passed by the Legislative Assembly and rejected by the Legislative Council, and a Bill, of which the essential principles are the same, is again introduced by the same Government and passed by the Legislative Assembly during the next Parliament (a general election having taken place since such rejection) the Legislative Council shall pass the measure. Or if the Bill is referred, after its rejection by the Council, to a referendum of the electors and they decide in its favour, it shall be passed by the Legislative Council.

Further amendment of Act No. 32, 1902. New sec. 14A.

Provision for deadlocks.

