



ANNO QUADRAGESIMO QUARTO ET QUADRAGESIMO QUINTO

VICTORIÆ REGINÆ.

A.D. 1881.

No. 236.

An Act to further amend "The Constitution Act."

[*Reserved, November 18th, 1881.*]

WHEREAS it is expedient to further amend "The Constitution Act," by increasing the number of the members of the Legislative Council of the Province of South Australia to twenty-four, and by dividing the said province into four electoral districts for the purpose of elections for the said Council, having six members to represent each district, and by providing a means of determining any differences between the said Council and the House of Assembly, in respect of Bills twice passed by the House of Assembly, and twice rejected by the said Council—Be it therefore Enacted by the Governor of the said Province, with the advice and consent of the Legislative Council and House of Assembly of the said province, in this present Parliament assembled, as follows:

Preamble.

1. This Act may be cited for all purposes as "The Constitution Act Further Amendment Act, 1881."

Short title.

2. This Act, so far as is consistent with the tenor thereof, shall be construed as one with "The Constitution Act."

Incorporation.

3. This Act shall come into operation from and after a day to be fixed by the Governor by Proclamation in the *South Australian Government Gazette*.

Commencement of Act.

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Repeal.

4. Section 8 of "The Constitution Act," and section 3 of Act No. 27 of 1872, being "An Act to define the Electoral Districts for the election of members to serve in the Parliament of South Australia," are hereby repealed: Provided this repeal shall not affect anything lawfully done under the authority thereof, nor any rights acquired or liabilities incurred thereunder.

Electoral districts for the election of members of the Council.

5. Except as hereinafter provided, the said province, for the purpose of the election of members for the said Council, shall be divided into the four electoral districts comprising the several electoral divisions mentioned in the Schedule hereto, the names and boundaries of the said several electoral divisions being specified in the First Schedule of the said Act No. 27 of 1872.

Present members to continue members.

6. The present members of the Legislative Council shall continue members thereof, but subject to the provisions of this Act.

Election of six new members.

7. Immediately after this Act shall come into operation, six new members shall be elected to represent the said province in the Council by the whole province voting as one district. The names of the newly-elected members shall be placed last on the members' roll of the said Council, after the names of the members previously on the said roll, in the order following:—The name of the member who at the election obtained the least number of votes shall be placed first, the name of the member who obtained the next least number of votes shall be placed second, and so on in rotation, the object being that the name of the member who obtained a greater number of votes shall be later on the said roll than the name of the member who obtained a less number of votes. In the event of equality of votes between all or any of the members, the members obtaining equal votes shall determine by lot the order in which their names shall be placed on the said roll.

Order of retirement of members of Council during first nine years.

8. At the expiration of the several periods of three years, six years, and nine years, from the coming into operation of this Act, the eight members whose names shall, at such respective periods, appear first upon the said roll shall retire.

Two members to be elected for each district.

9. Two members shall be elected by each of the said four electoral districts to fill up the vacancies created by the said periodical retirement of eight members.

Vacancies occurring during first nine years, how supplied.

10. If any vacancy shall occur from death, resignation, or any other cause, of any of the members who were elected by the electors of the whole province voting as one district, before the period for retirement of such members, the same shall be supplied in manner following, that is to say—the first of such vacancies shall be supplied by the return of a member for District No. 1; the second, by the return of a member for District No. 2; the third, by the return of a member for District No. 3; the fourth, by the return of a member for District No. 4; the fifth, by the return of a member for District No. 1; and so on in rotation.

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11. If any vacancy shall occur from death, resignation, or any other cause, of any of the members who, from time to time, may be elected for any of the said four electoral districts before the period for the retirement of such members as aforesaid, the same shall, from time to time, be supplied by the return of a member for the district for which such member so causing the vacancy was returned; and the name of the newly-elected member shall be placed last on the members' roll for such district.

Vacancies occurring after nine years, how supplied.

12. From and after the first election of members for the said districts, a roll shall be kept, showing the names of the members elected for the districts, and the names of the said districts, and the names of the members shall be placed on the said roll in the order of time in which they were elected; or when two or more members have been elected at the same time for a district, the member who received the least number of votes shall be placed first on the said roll, and the name of the member who received the next lowest number of votes shall be placed next, and so on in rotation; and in the event of equality of votes, such members shall determine by lot the order in which their names shall be respectively placed on the said roll.

Members' roll, showing names of members and districts, to be kept, and order in which names of members to be placed thereon.

13. Twelve years after the coming into operation of this Act, and thereafter at the expiration of every three years, the two members whose names are first on the roll for each of the said four electoral districts shall retire, and two members shall be elected by each of such districts.

Order of retirement of members of Council after period of nine years.

14. It shall be lawful for the Governor from time to time to appoint a Returning Officer for each of the said districts, and all writs for the election of any members of the said Council for any electoral district shall be directed to the Returning Officer of such district. Such Returning Officer shall, in respect of all electoral matters within the district for which he is appointed, have the same powers and authorities, and perform the same duties, as are at present done and performed by the Returning Officers for the said province. And whenever in the Electoral Act, 1879, powers are given to, or duties enforced upon the Returning Officer of the province, the same powers and duties shall be taken to have been given to and enforced upon the Returning Officer to be appointed for each district within the boundaries of their respective districts. The Governor may also appoint Deputy Returning Officers for each district, and such Deputy Returning Officers shall, within their respective districts, perform the duties as required by the Electoral Act, 1879, as Deputy Returning Officers for the said province.

Appointment of Returning Officers.

Deputy Returning Officers.

15. From and after the election of the additional six members authorised by this Act, the Legislative Council shall not be competent to the dispatch of business unless there be present, including the President, or the person chosen to preside in his absence, at least nine Members of the said Council.

Quorum of Members.

16. Whenever

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Course to be taken
when Legislative
Council rejects same
Bill twice passed by
House of Assembly.

16. Whenever any Bill for any Act shall have been passed by the House of Assembly during any Session of Parliament, and the same Bill, or a similar Bill with substantially the same objects and having the same title, shall have been passed by the House of Assembly during the next ensuing Parliament, a general election of the House of Assembly having taken place between such two Parliaments, the second and third readings of such Bill having been passed in the second instance by an absolute majority of the whole number of members of the said House of Assembly, and both such Bills shall have been rejected by or fail to become law in consequence of any amendments made therein by the Legislative Council, it shall be lawful for, but not obligatory upon, the Governor of the said province, by Proclamation to be published in the *Government Gazette*, to dissolve the Legislative Council and House of Assembly, and thereupon all the members of both Houses of Parliament shall vacate their seats, and members shall be elected to supply the vacancies so created: or for the Governor to issue writs for the election of one or not more than two new members for each district of the Legislative Council: Provided always that no vacancy, whether by death, resignation, or any other cause, shall be filled up while the total number of members shall be twenty-four or more.

Election of members
after dissolution.

17. In the event of the Council being dissolved, six members shall be elected for each of the said districts, and the names of such members shall be placed on the roll of members for the said districts in the order provided for in section 12 of this Act, and thereafter the several periodical retirements of members referred to in sections 8 and 13 of this Act shall date from the day of their election.

I reserve this Act for the signification of the Queen's pleasure.

WM. F. DRUMMOND JERVOIS, Governor.

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THE SCHEDULE HEREINBEFORE REFERRED TO.

Electoral Districts for Members of the Legislative Council.

- No. 1. Central Electoral District, comprising the electoral divisions of East Adelaide, West Adelaide, North Adelaide, West Torrens, Sturt, and Port Adelaide.
- No. 2. Southern Electoral District, comprising the electoral divisions of Onkaparinga, Noarlunga, Mount Barker, Encounter Bay, Albert, Victoria, and East Torrens.
- No. 3. North-Eastern Electoral District, comprising the electoral divisions of Yatala, Gumeracha, Barossa, Wooroora, Light, and Burra.
- No. 4. Northern Electoral District, comprising the electoral divisions of Wallaroo, Stanley, and Flinders.