

South Australia



ANNO QUINQUAGESIMO  
ELIZABETHAE II REGINAE  
A.D. 2001

**CONSTITUTION (PARLIAMENTARY TERMS) AMENDMENT ACT 2001**

No. 50 of 2001

[Assented to 11 October 2001]

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An Act to amend the Constitution Act 1934.

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## **SUMMARY OF PROVISIONS**

1. **Short title**
2. **Amendment of s. 6—Place and time for holding Sessions of Parliament**
3. **Substitution of s. 28**
  28. **Term of House of Assembly**
4. **Amendment of s. 28A—Early dissolution of House of Assembly**
5. **Commencement and Transitional**

**The Parliament of South Australia enacts as follows:**

**Short title**

1. (1) This Act may be cited as the *Constitution (Parliamentary Terms) Amendment Act 2001*.

(2) The *Constitution Act 1934* is referred to in this Act as "the principal Act".

**Amendment of s. 6—Place and time for holding Sessions of Parliament**

2. Section 6 of the principal Act is amended by striking out paragraph (d) of subsection (1).

**Substitution of s. 28**

3. Section 28 of the principal Act is repealed and the following section is substituted:

**Term of House of Assembly**

28. (1) Subject to this section, a general election of members of the House of Assembly must be held on the third Saturday in March in the fourth calendar year after the calendar year in which the last general election was held.

(2) The Governor must, where a general election is to be held on a day fixed under this section, dissolve the House of Assembly and issue a writ or writs for the election at a time prior to the election that is in accordance with the requirements of the *Electoral Act 1985* for the issue of writs.

(3) Before the issue of a writ or writs for a general election under this section, the Governor may, where—

- (a) the day fixed under this section for the election is the Saturday immediately following Good Friday; or
- (b) a general election of members of the Commonwealth House of Representatives is to be held in the same month as the election; or
- (c) it is reasonably necessary in order to meet a difficulty in the conduct of the election arising from a State disaster that has occurred, is occurring or is about to occur,

defer the day of the election, by notice published in a newspaper circulating generally throughout the State, to a Saturday not more than 21 days after the day otherwise fixed under this section.

(4) A day to which a general election is deferred in accordance with subsection (3) will be taken to be a day fixed under this section for the general election.

(5) After the issue of a writ or writs for a general election under this section, the day of the election may be deferred in accordance with the provisions of the *Electoral Act 1985*.

(6) In this section—

"State disaster" means any occurrence (including fire, flood, storm, tempest, earthquake, eruption, epidemic of human, animal or plant disease, hostilities directed by an enemy against Australia and accident) that—

- (a) causes or threatens to cause, within the State, loss of life or injury to persons or animals or damage to property; and
- (b) is of such a nature or magnitude that extraordinary measures are required in order to protect human or animal life or property.

**Amendment of s. 28A—Early dissolution of House of Assembly**

4. Section 28A of the principal Act is amended by striking out from subsection (1) "The House of Assembly shall not be dissolved by the Governor before the expiration of 3 years from the day on which it first met for the dispatch of business after a general election unless" and substituting "The Governor may dissolve the House of Assembly and issue a writ or writs for a general election on a date other than that contemplated by section 28 if and only if".

**Commencement and Transitional**

5. (1) This Act will come into operation on the day on which the House of Assembly of the fiftieth Parliament first meets for the dispatch of business.

(2) In the case of the House of Assembly of the fiftieth Parliament, section 28(1) of the principal Act as amended by this Act will be taken to refer to the third Saturday in March in the year 2006.