

No. 3119.

An Act to amend *The Constitution Act Amendment Act 1915.*

[*Reserved 24th December, 1920. Royal Assent proclaimed 16th June, 1921.*]

BE it enacted by the King's Most Excellent Majesty by and with the advice and consent of the Legislative Council and the Legislative Assembly of Victoria in this present Parliament assembled and by the authority of the same as follows (that is to say):—

Short title
construction
and citation.

Nos. 2632, 2806,
2901, 2927.

1. This Act may be cited as the *Electoral Act 1920* and shall be read and construed as one with *The Constitution Act Amendment Act 1915* (hereinafter called the Principal Act) and any Act amending the same all of which Acts and this Act may be cited together as *The Constitution Act Amendment Acts*.

Vacancy
occurring by
reason of
resignation to
contest
Commonwealth
election.

Cf. *Tasmanian
Electoral
Amendment
Act 1907*
(7 Edw. VII.
No. 6) s. 60.

2. (1) Notwithstanding anything to the contrary in the Principal Act contained whenever any vacancy occurs in the Council or the Assembly by reason of any member resigning his seat for the purpose of seeking election for the Parliament of the Commonwealth of Australia if such member tenders his resignation within twenty-one days prior to the date of the issue of the writ for the said election and notifies in writing to the President or the Speaker his intention to seek such election and his intention in the event of his failing to secure such election to become again a candidate for the vacancy aforesaid then the issue of the writ for the election of a member to fill such vacancy shall be delayed until the result of such Commonwealth election shall have been first officially declared by the returning officer.

(2) If

(2) If the member so resigning his seat and notifying the President or the Speaker as aforesaid—

(a) fails to secure election for the Parliament of the Commonwealth ; and

(b) is nominated as a candidate for the vacancy occurring through his own resignation as aforesaid,

the returning officer to whom the writ is directed shall forthwith without holding a poll publicly declare him to be duly elected and the writ shall be so returned notwithstanding anything to the contrary contained in the Principal Act.

*Cf. Tasmanian
Electoral
Amendment
Act 1917
(7 Geo. V.
No. 65) s. 2.*