

FOURTH SCHEDULE.

OATH.

I, A. B., do swear that I will be faithful and bear true allegiance to the King, and will loyally as in duty bound uphold the Constitution of the Commonwealth of Australia established under the Crown of the United Kingdom. So HELP ME, GOD!

AFFIRMATION.

I, A. B., do solemnly and sincerely affirm and declare that I will be faithful and bear true allegiance to the King, and will loyally as in duty bound uphold the Constitution of the Commonwealth of Australia established under the Crown of the United Kingdom.

FIFTH SCHEDULE.

OATH.

I, A. B., do swear that I will well and truly serve our Sovereign Lord the King as a member of the Appeal Board constituted under the *Commonwealth Public Service Act 1922* for the purpose of the appeal made by (here insert name of appellant) [or in the case of the Chairman or elected representative of the Division to which the appellant belongs as a member of any Appeal Board constituted under the *Commonwealth Public Service Act 1922* of which I may be a member] and that I will perform the duties and exercise the powers imposed or conferred upon me as such member without fear or favour affection or ill-will. So HELP ME, GOD!

AFFIRMATION.

I, A. B., do solemnly and sincerely affirm and declare that I will well and truly serve our Sovereign Lord the King as a member of the Appeal Board constituted under the *Commonwealth Public Service Act 1922* for the purpose of the appeal made by (here insert name of appellant) [or in the case of the Chairman or elected representative of the Division to which the appellant belongs as a member of any Appeal Board constituted under the *Commonwealth Public Service Act 1922* of which I may be a member] and that I will perform the duties and exercise the powers imposed or conferred upon me as such member without fear or favour affection or ill-will.

SENATE ELECTIONS.

No. 22 of 1922.

An Act to amend the *Senate Elections Act 1903*.

[Assented to 18th October, 1922.]

BE it enacted by the King's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows:—

1.—(1.) This Act may be cited as the *Senate Elections Act 1922*.

Short title
and citation.

(2.) The *Senate Elections Act 1903* is in this Act referred to as the Principal Act.

(3.) The Principal Act, as amended by this Act, may be cited as the *Senate Elections Act 1903-1922*.

Incorporation.

2. Section two of the Principal Act is amended by omitting the figures "1902" and inserting in their stead the figures "1918-1921".

Definitions.

3. Section three of the Principal Act is amended—

(a) by inserting after the definition of "Casual vacancy" the following definitions:—

"'Long casual vacancy' means a casual vacancy for a period terminating after the thirtieth day of June next following the election at which that vacancy is to be filled.

"'Short casual vacancy' means a casual vacancy for a period terminating on the thirtieth day of June next following the election at which that vacancy is to be filled." ; and

(b) by inserting after the definition of "Periodical vacancy" the following definition:—

"'Senator-candidate' means a candidate who is, at the date of the election, a senator elected at a previous election."

**Repeal of
s. 6.**

4. Section six of the Principal Act is repealed.

5. Section nine of the Principal Act is repealed and the following section inserted in its stead:—

**Filling of casual
vacancies.**

"9.—(1.) Where in an election to which this Act applies a short casual vacancy is to be filled the vacancy shall be filled by the first candidate, not being a senator-candidate, who is elected to fill a periodical vacancy at the scrutiny conducted in accordance with section one hundred and thirty-five of the *Commonwealth Electoral Act 1918-1921*, and if more short casual vacancies than one are to be filled, they shall be filled successively in the same way.

"(2.) Where a long casual vacancy is to be filled the vacancy shall, subject to this section, be filled by the continuing candidate who, next after the periodical vacancies have been filled in accordance with section one hundred and thirty-five of the *Commonwealth Electoral Act 1918-1921*, first receives an absolute majority of votes at the scrutiny conducted in accordance with that section, and if more long casual vacancies than one are to be filled for that period they shall be filled successively in the same way.

"(3.) A senator-candidate shall not be capable of being elected to fill a long casual vacancy unless on or before the day of nomination he has delivered to the Commonwealth Electoral Officer for the State in respect of which he is a candidate, his resignation in accordance with Schedule C to this Act of his existing place as senator, and, in the process of filling any such long casual vacancy,

a candidate who, in accordance with this sub-section, is not capable of being elected, shall be excluded from the count.

“(4.) A resignation delivered in pursuance of the last preceding sub-section shall be irrevocable but shall be conditional upon the senator to whom it applies being elected to fill a long casual vacancy.

“(5.) In the event of the senator to whom a resignation under this section applies being elected to fill a long casual vacancy the resignation shall be forwarded by the Commonwealth Electoral Officer to the President of the Senate, or if there is no President or if the President is absent from the Commonwealth, to the Governor-General, and in the event of the senator not being so elected it shall be forthwith returned by the Commonwealth Electoral Officer to the senator.”.

6. Section ten of the Principal Act is amended by inserting therein before the words “casual vacancies” (wherever occurring) the words “the respective”.

The return of
the writ.

7. After section ten of the Principal Act the following section is inserted:—

“10A. Notwithstanding anything contained in section eighty-two of the *Commonwealth Electoral Act* 1918-1921—

Cases in which
poll shall be
held.

(a) a poll shall be held in any case where—

(i) the number of candidates nominated exceeds the number of periodical vacancies; or

(ii) there is a short casual vacancy or there are short casual vacancies to be filled, and there are more candidates who are not senator-candidates than there are short casual vacancies;

(b) where the election is for the purpose of filling periodical vacancies and one or more short casual vacancies and the number of candidates duly nominated does not exceed the number of periodical vacancies and the number of candidates who are not senator-candidates does not exceed the number of short casual vacancies, the Commonwealth Electoral Officer shall declare the candidates nominated to be duly elected to fill the periodical vacancies and that candidate or those candidates who are not senator-candidates to be duly elected to fill the short casual vacancy or vacancies.”.

8. Section eleven of the Principal Act is amended by adding at the end thereof the following paragraph:—

Court of
Disputed
Returns.

“(d) That any candidate, who was returned as elected to fill one casual vacancy, was elected to fill another casual vacancy.”.

Form of Writ.

9. Schedule A of the Principal Act is repealed and the following Schedule inserted in its stead :—

“SCHEDULE A.

Writ for the Election of Senators.

COMMONWEALTH



OF AUSTRALIA.

His Majesty the King.

To _____, the Commonwealth Electoral Officer for the State of (*here insert name of State*).

GREETING :

We command you to cause election to be made according to law of (*here insert number of periodical vacancies*) Senators for our State of (*here insert name of State*) [*if there is a casual vacancy to be filled for the period ending on the thirtieth day of June next following the election insert of whom (here insert number of such casual vacancies)*] shall serve in the Senate of the Parliament of the Commonwealth of Australia from and after the date of _____ election until the day of 19 and (*here insert number of periodical vacancies to be filled less the number of such casual vacancies*) shall serve in the said Senate from and after the first day of July, 19 _____, until the day of 19] [*if there is no casual vacancy for the period ending on the thirtieth day of June next following the election insert to serve in the Senate of the Parliament of the Commonwealth from and after the first day of July 19 until the day of 19]* [*if there is a casual vacancy to be filled for a period ending after the thirtieth day of June next following the election insert and of (here insert number of such casual vacancies) Senator for our said State to serve in the said Senate from and after the date of _____ election until the day of 19*] And we appoint the day of 19 _____, at twelve o'clock noon, to be the day and time before which nominations of Senators at and for the said election are to be made. And we appoint the day of 19 _____, to be the day on which the poll is to be taken in the event of the said election being contested. And we appoint (*here insert name of building*) at (*here insert name of town*) to be the place of nomination at the said election. And we command you to indorse on this our writ the names of the Senators elected and to return it so indorsed to our Governor in and over our said State on or before the day of 19 _____.

Witness—(*here insert the title of the Governor of the State issuing the writ*) at (*here insert place*) in our said State the _____ day of _____ in the year of our Lord One thousand nine hundred and _____.

By His Excellency's Command.”.

10. Schedule B of the Principal Act is repealed and the following Schedules are inserted in its stead :—

“SCHEDULE B.

COMMONWEALTH OF AUSTRALIA.

State of (*here insert name of State*).

Nomination of Senator.

Form of nomination.

To the Commonwealth Electoral Officer for the State of (*here insert name of State*).

We, the undersigned Electors on the Electoral Roll for the State of (*here insert name of State*), and entitled to vote at the election of Senators for the said State do hereby nominate (*here insert the christian name or names in full, surname, place of*

residence, and occupation of the person nominated) as a Senator for the State of (*here insert name of State*) to serve in the Senate of the Parliament of the Commonwealth.

Dated this day of 19 .

Signature of Nominator.	Place of Living.	Subdivision for which enrolled.	Number on Roll.

I, of consent to the above nomination, and to act if elected and declare that I am qualified under the Constitution and the laws of the Commonwealth to be elected as a Senator.

(*Signature of Candidate*).

Witness—

Address—

N.B.—The Candidate's consent to the nomination and his declaration of qualification may be on a separate paper and in any form, but if given on the nomination paper in the above form their sufficiency is not to be questioned.

A nomination must be signed by not less than six persons entitled to vote at the election for which the candidate is nominated.

"SCHEDULE C.

To the President of the Senate.

His Excellency the Governor-General.

I, , being a Senator whose term of service expires on the thirtieth day of June next and being a candidate for election at the next election of Senators for the State of do hereby resign my place as Senator as from the (*here insert date of the forthcoming election*) conditionally upon my being elected, at the next election of Senators for the State of , to fill a casual vacancy for a term expiring on the thirtieth day of June next following the expiration of three years from the date of the said election.

Form of
resignation.

Signature "

AUSTRALIAN SOLDIERS' REPATRIATION.

No. 23 of 1922.

An Act to amend sections seven, twenty-two, and forty-four of, and the Second and Fourth Schedules to, the *Australian Soldiers' Repatriation Act* 1920-1921, and to provide additional payments for persons suffering from certain specified disabilities.

[Assented to 18th October, 1922.]

BE it enacted by the King's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows:—

1.—(1.) This Act may be cited as the *Australian Soldiers' Repatriation Act* 1922.

Short title
and citation.