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ANNO TRICESIMO QUINTO ET TRICESIMO SEXTO

VICTORIÆ REGINÆ.

A.D. 1872.

No. 15.

An Act to provide for the Issue of Writs for the Election of Members of Parliament in certain cases.

[Reserved, 31st July, 1872.]

WHEREAS it is expedient to provide for the issue of writs for Preamble.
the Election of Members of Parliament, in certain cases—Be it therefore Enacted by the Governor of the Province of South Australia, with the advice and consent of the Legislative Council and House of Assembly of the said Province, in this present Parliament assembled, as follows:

1. If any vacancy happens in the House of Assembly, when Parliament is not in session, by the death or insolvency of any Member, or by his accepting any office of profit or pension from the Crown during pleasure, excepting those required by the Constitution Act, or any Act amending the said Act, to be held by Members of Parliament, the Speaker of the said House on being informed of such vacancy, and the cause thereof, by notice in writing under the hands and seals of any two Members of the said House, shall, after giving notice in two consecutive numbers of the *South Australian Government Gazette*, cause a writ to be issued for supplying such vacancy, unless the said Speaker shall have any doubt on the subject, or unless good reason to his satisfaction to the contrary shall be shown by writing under the hands of any four Members of the said House.

Provision when vacancy happens and the Parliament is not in Session.

2. If, when any such vacancy happens in the said House of Assembly, or at any time thereafter, before a writ has issued, there be no Speaker of the House of Assembly, or such Speaker be absent from the said Province, or if the Member himself be Speaker,

If there is no Speaker, or, in his absence, two Members to issue writ.

The Writs of Election Act.—1872.

any two Members of the said House may address their warrant or order in their joint names to the Clerk of the House, and such Clerk shall, after giving notice in two consecutive numbers of the *South Australian Government Gazette*, cause a writ to be issued as if he were the Speaker of such House, for supplying such vacancy, unless good reason to his satisfaction to the contrary shall be shown by writing under the hands of any four Members of the said House.

Writ to issue on re-signation to Speaker.

3. If any Member of the House of Assembly, by writing under his hand addressed to the Speaker of the said House, and delivered to such Speaker, shall resign his seat in the said House of Assembly, then, upon the receipt of such resignation by such Speaker, the seat of such Member shall become vacant; and such Speaker, on receiving such resignation in writing, shall, if the said House be not in Session, forthwith cause to be issued a writ for the election of a new Member in the place of the Member resigning.

How to issue if no Speaker.

4. If any Member of the House of Assembly wishes to resign his seat in the interval between two Sessions of the Parliament, and there is then no Speaker of the said House, or if such Member be himself the Speaker of such House, he may, by writing under his hand, addressed and caused to be delivered to any two Members of the said House, resign his seat in the said House, and upon the receiving of such resignation by such two Members, the seat of such Member resigning shall become vacant, and such two Members shall forthwith address their warrant or order, in their joint names, to the Clerk of the House, and such Clerk shall forthwith cause a writ to be issued, as if he were the Speaker of such House, for supplying such vacancy.

When Speaker may issue writ.

5. Whenever, after any general election of the House of Assembly, and before the dissolution or other lawful determination of such Assembly, any seat therein shall have become vacant, a writ for the election of a member to serve in the place so vacant shall be issued by the Speaker of the said Assembly, under his hand and seal; but if at the time of such occurrence of any such vacancy there be no Speaker, and the Assembly be not in Session, or if the Speaker be absent from South Australia, such writ shall be issued by the Governor, under his hand and the public seal of the Province.

I reserve this Bill for the signification of Her Majesty's pleasure thereon.

JAMES FERGUSSON, Governor.