



ANNO PRIMO

EDWARDI VII REGIS.

A.D. 1901.

No. 779.

An Act to amend the Constitution.

[*Reserved, December 21st, 1901.*]

BE it Enacted by the Governor, with the advice and consent of the Parliament of South Australia as follows:

1. This Act may be cited as "The Constitution Act Amendment Act, 1901," and shall be incorporated with, and, so far as consistent with the tenor thereof, shall be construed as one with "The Constitution Act" and "The Electoral Code, 1896," and any Acts amending the same.

Short title and incorporation.

2. On the thirty-first day of March, in the year one thousand nine hundred and two, this present Parliament, unless sooner dissolved, or any subsequent Parliament that may be then in existence, shall expire and determine, and all the Members of the Legislative Council and of the House of Assembly shall vacate their seats.

Dissolution of present Parliament.

3. The Governor shall thereupon summon a new Parliament, and shall cause writs to be issued for the election of Members of the Legislative Council and House of Assembly in accordance with the provisions hereinafter contained.

New Parliament to be summoned.

4. From the thirty-first day of March, in the year one thousand nine hundred and two, notwithstanding anything to the contrary contained in "The Constitution Act," or the Acts amending the same, the Parliament of South Australia shall be constituted in manner hereinafter provided.

Future constitution of Parliament.

5. The

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- Legislative Council.** **5.** The Legislative Council shall consist of eighteen Members.
- House of Assembly.** **6.** The House of Assembly shall consist of forty-two Members.
- Council Districts.** **7.** South Australia, including the Northern Territory, shall be divided for electoral purposes into four Council Districts, each distinguished by the names, and returning the number of Members, and comprising the Assembly Divisions set forth in the Second Schedule.
- Assembly Districts.** **8.** For the purpose of electing Members of the House of Assembly the State of South Australia, excluding the Northern Territory thereof, shall be divided, in manner hereafter provided, into twelve electoral districts, hereinafter called Assembly Districts, and the Northern Territory shall remain, as heretofore, one electoral district, returning two Members to the said House.
- Names of Assembly Districts.** **9.** The Assembly Districts shall be distinguished by the names, and shall each return the number of Members and shall comprise the former Assembly Districts, set forth in the Third Schedule.
- Electoral divisions of Council Districts.** **10.** Every Assembly District shall be also an electoral division of the Council District in which it is situated.
- Term of service of Legislative Councillors.** **11.** Subject to the provisions hereinafter contained as to the dissolution of the Legislative Council, every Member of the said Council, except a Member elected to fill a casual vacancy, shall occupy his seat for the term of six years at least, and for such further period as is provided for in the next succeeding section, save and except that one-half of the Members (to be selected in manner hereinafter mentioned) who are elected at the first election under this Act shall occupy their seats for the term of three years only, and for such further period as is provided for in the next succeeding section.
- The term of service of any Member of the Legislative Council shall be calculated as from the day of his election: Provided, nevertheless, if the seat of any Member of the Legislative Council becomes vacant by death, resignation, or otherwise before the expiration of his term of service, and a Member shall be returned from the Electoral District in which the vacancy occurred, he shall hold office only for the unexpired term of the Member whose seat has been vacated as aforesaid.
- Periodical retirement of Legislative Councillors.** **12.** Subject to the foregoing provision as to a minimum term of service, whenever the House of Assembly shall be dissolved by the Governor or expire by effluxion of time, three Members for the Central District and two Members for each of the other Council Districts shall retire and vacate their seats, and an election to supply the vacancies so created shall take place on the day of the next general election of the House of Assembly.

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13. The periodical retirement of Members of the Legislative Council under the provisions of the last preceding section shall be determined as follows:—

Order of retirement.

- I. The Members retiring in each Council District shall be those who have represented such district for the longest time, calculated from the date of their last election :
- II. If two or more Members have represented the same Council District for an equal time, calculated as aforesaid, the order of retirement as between them shall be determined by their position on the poll at their election, and he or they who had the least number of votes shall retire first. If their position is equal in this respect, the order of retirement between them shall be determined by lot :
- III. The Legislative Council shall keep a roll of its Members, containing all particulars necessary for the application of the foregoing rules as to their periodical retirement.

14. All joint sittings of the Legislative Council and House of Assembly for the purposes of this Act shall be summoned by the President of the Legislative Council (or, in his absence, by some other Member thereto authorised by the said Council) by not less than seven days' notice to the said Council and to the House of Assembly, by a message from the said President or other Member to the Speaker of the House of Assembly, and shall be presided over by the said President, or, in his absence, by the said Speaker or by some other Member chosen by the Members of both Houses present to preside. The procedure of such joint sittings shall be that of the Legislative Council so far as applicable to the circumstances.

Procedure in case of joint sittings of the two Houses.

15. 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 ten Members of the said Council.

Quorum of the Legislative Council.

16. The House of Assembly shall not be competent to the dispatch of business unless there be present, including the Speaker or the person chosen to preside in his absence, at least twenty Members of the said House.

Quorum of the House of Assembly.

17. The Governor shall appoint such Returning Officers, Electoral Registrars, and other officers for the electoral districts and electoral divisions as shall be required by and in conformity with the provisions of "The Electoral Code, 1896," and this Act.

Appointment of Returning Officers and other officials.

18. New electoral rolls shall be prepared from the rolls in force at the time of the coming into operation of this Act for districts newly created, and such alterations shall be made in the electoral rolls of districts the boundaries of which are altered as the circumstances of each case shall, in the discretion of the Returning Officer for the State, require ; and the Returning Officer for the State is hereby authorised

Preparation of new electoral rolls.

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authorised to make such alterations in Schedule II. of "The Electoral Code, 1896." as shall in his discretion be necessary to carry this Act into effect, and to the extent to which such alterations shall be made the said Schedule shall be considered as repealed or amended by this Act, as the case may be, and all such alterations, on being made by the Returning Officer for the State and being published in the *Government Gazette*, after having been approved in Executive Council, shall be as valid in law as if hereby enacted; but in all cases the registration of electors shall be preserved as of the date of their registration at the time such alterations are made.

Rolls to come into force by Proclamation.

19. The rolls as so prepared or altered shall come into force on a day to be fixed by the Governor by Proclamation in the *Government Gazette*.

"Officers of Parliament Act," to be applicable.

20. "The Officers of Parliament Act" shall apply to the dissolution of the Legislative Council and House of Assembly by this Act on the thirty-first day of March, one thousand nine hundred and two, and to any further dissolution of the said Council by virtue of the provisions in that behalf herein contained.

Absence of Members of Parliament from their places.

21. Sections 12 and 25 of "The Constitution Act" are hereby amended by substituting the words "one month" for the words "two consecutive months" in each of these sections.

Reduction of number of Ministers.

22. Notwithstanding anything contained in "The Constitution Act," or in "The Constitution Amendment Act, 1873," the number of Ministers of the Crown is hereby reduced to four. And such Ministers shall respectively bear such titles and fill such Ministerial offices as the Governor shall from time to time appoint; and the total salaries shall not exceed Four Thousand Pounds per annum.

Repeal.

23. The Acts and portions of Acts set forth in the First Schedule hereto are hereby repealed as from the thirty-first day of March, one thousand nine hundred and two.

Settlement of deadlocks.

24. Whenever any Bill for an 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 reading of such Bills 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 State, 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

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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 eighteen or more.

Upon every such dissolution of the Legislative Council the order of retirement as between the Members elected after such dissolution shall be as provided in section 13 of this Act.

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

TENNYSON, Governor.

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SCHEDULES.

FIRST SCHEDULE.

Acts and parts of Acts Repealed.

Acts.	Titles.	Extent of Repeal.
No. 27 of 1872	An Act to define the Electoral Districts for the election of Members to serve in the Parliament of South Australia.	The whole.
No. 5 of 1873	The Constitution Amendment Act, 1873.	Section 2.
No. 236 of 1881	The Constitution Act Further Amendment Act, 1881.	The whole.
No. 278 of 1882	The Constitution Act Further Amendment Act, 1882.	The whole, except section 8.
No. 667 of 1896	The Electoral Code, 1896.	Sections 9 and 10

SECOND SCHEDULE.

Name of District.	Number of Members to be Returned.	Assembly Divisions comprised in Council Districts.
Central Electoral District	6	Divisions Nos. 1, 2, 3
Southern Electoral District	4	" Nos. 4, 5, 6
North-Eastern Electoral District	4	" Nos. 7, 8, 9
Northern Electoral District	4	" Nos 10, 11, 12, and Division of Northern Territory
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THIRD SCHEDULE.

Name of District.	Number of Members to be Returned.	Former Assembly Districts comprised in Assembly Districts.
No. 1.—Adelaide District.....	4	{ East Adelaide West Adelaide North Adelaide
No. 2.—Port Adelaide District	3	{ Port Adelaide West Torrens
No. 3.—Torrens District	5	{ East Torrens Sturt
No. 4.—Victoria and Albert District ..	3	{ Victoria Albert
No. 5.—Alexandra District	4	{ Mount Barker Encounter Bay Noarlunga
No. 6.—Murray District	3	{ Onkaparinga Gumeracha
No. 7.—Barossa District	3	{ Barossa Yatala
No. 8.—Wooroora District	3	{ Light Wooroora
No. 9.—Walleroo District	3	{ Wallaroo Yorke Peninsula
No. 10.—Stanley District	3	{ Gladstone Stanley
No. 11.—Burra Burra District	3	{ Frome Burra
No. 12.—Flinders District	3	{ Newcastle Flinders
District Northern Territory.....	2	Northern Territory
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