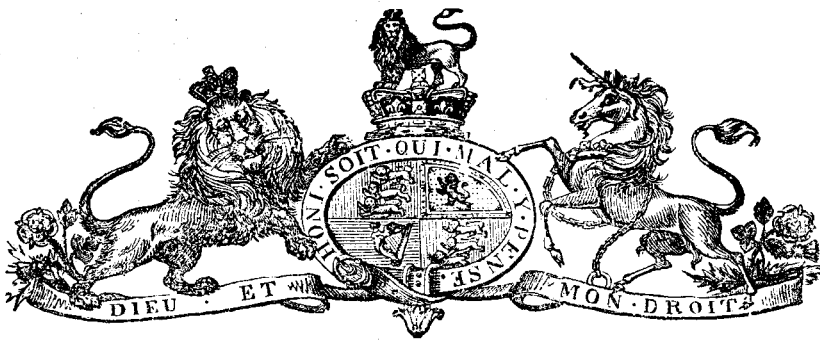


T A S M A N I A



1885.

ANNO QUADRAGESIMO-NONO

VICTORIÆ REGINÆ,

No. 8.

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AN ACT to further amend "The Constitution Act." A.D. 1885.

[Reserved, 20 October, 1885; Royal Assent proclaimed, 18 January, 1886.]

WHEREAS it is expedient and necessary to further amend "The Constitution Act" in certain particulars: PREAMBLE.  
18 Vict. No. 17.

Be it therefore enacted by His Excellency the Governor of *Tasmania*, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

1 This Act may be cited as "The Constitution Amendment Act, Short title. 1885."

*Legislative Council.*

2 In this Act, unless inconsistent with the context— Interpretation.

"Present Member" or "present Members" shall mean Members holding seats in the Legislative Council when this Act shall come into operation.

3 The Legislative Council shall consist of Eighteen elected Members; but no person shall be capable of being elected a Member of the Legislative Council who shall not be of the full age of Thirty years, and a natural-born or naturalized subject of Her Majesty, or who has not obtained Letters of Denization or a Certificate of Naturalization. Legislative Council to consist of 18 Members: their qualification.

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*Constitution Amendment.*


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Assignment of present Members of Legislative Council to new Districts; and

allocation of new Members.

Elections for Legislative Council to be held in every year.

Tenure of seats in Legislative Council.  
18 Vict. No. 17.

Tenure of seats of Members elected to vacancies in Council caused by death, &c.

Retirement of present Members of Legislative Council.

**4** The Members holding seats in the Legislative Council when this Act shall come into operation shall be assigned to the Electoral Districts into which the Colony shall be divided for the purpose of returning Members to serve in the said Council by an Act to be passed in this present Session of Parliament, as follows; that is to say:—To the District of *Hobart*, the present Members for the said District; to the District of *Launceston*, the present Members for the District of *Tamar*; to the District of *Russell*, the present Member for the District of *Mersey*; to the District of *Meander*, the present Member for the District of *Meander*; to the District of *Westmorland*, the present Member for the District of *Longford*; to the District of *North Esk*, the present Member for the District of *North Esk*; to the District of *South Esk*, the present Member for the District of *South Esk*; to the District of *Macquarie*, the present Member for the District of *Jordan*; to the District of *Cambridge*, the present Member for the District of *Cambridge*; to the District of *Pembroke*, the present Member for the District of *Pembroke*; to the District of *Derwent*, the present Member for the District of *Derwent*; to the District of *Buckingham*, the present Member for the District of *Buckingham*; to the District of *Huon*, the present Member for the District of *Huon*: and there shall be elected to represent each of the Districts of *Mersey* and *Tamar* in the Legislative Council at the Periodical Elections to occur in the year One thousand eight hundred and eighty-six, One new Member.

**5** Periodical Elections of Members of the Legislative Council shall be held in every year, commencing with the year One thousand eight hundred and eighty-six, and at every such Election Three Members shall vacate their seats, and Three Members shall be elected to fill the vacancies so created; and the day for taking the Poll for such several Elections, in the event of the same being contested, shall be the *Tuesday* immediately succeeding the first *Monday* in the month of *May* in every year.

**6** The Members elected at every such Periodical Election shall, subject to the provisions of "The Constitution Act" and Acts amending it, hold their seats for a period of Six years, and shall then retire by effluxion of time. Every retiring Member shall, if otherwise qualified, be capable of being re-elected.

**7** In the event of the seat of any Member of the Legislative Council being vacated after this Act comes into operation by death, resignation, disqualification, or otherwise, the Member elected to fill the vacancy so created shall hold the seat only during the unexpired portion of the period for which the previous Member was elected or entitled to hold the seat.

**8** Notwithstanding anything to the contrary in any former Act contained, the Members holding seats in the Legislative Council when this Act comes into operation shall retire, in accordance with the provisions of this Act, as follows, without regard being had to the periods for which they were severally elected:—

On the First *Monday* in the month of *May* in the year One thousand eight hundred and eighty-six, or, in the event of the Governor by Proclamation under this Act as hereinafter mentioned appointing a day for the Periodical

*Constitution Amendment.*

Election in such year in lieu of the day fixed by this Act, on the day immediately preceding the day so appointed by Proclamation as aforesaid, the Honorable *Alexander M'Gregor* one of the Members for the District of *Hobart*, the present Member for the District of *North Esk*, and the Honorable *John Scott* one of the Members for the District of *Tamar*, shall retire ;

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On the First *Monday* in the month of *May* in the year One thousand eight hundred and eighty-seven, the present Member for the District of *Meander*, the Honorable *Thomas Christie Smart* one of the Members for the District of *Hobart*, and the present Member for the District of *Pembroke*, shall retire ;

On the First *Monday* in the month of *May* in the year One thousand eight hundred and eighty-eight, the Honorable *James Aikenhead* one of the Members for the District of *Tamar*, and the present Member for the District of *Huon*, shall retire ;

On the First *Monday* in the month of *May* in the year One thousand eight hundred and eighty-nine, the present Member for the District of *Longford*, and the present Member for the District of *Derwent*, shall retire ;

On the First *Monday* in the month of *May* in the year One thousand eight hundred and ninety, the present Member for the District of *Jordan*, the present Member for the District of *Buckingham*, and the present Member for the District of *South Esk*, shall retire ;

On the First *Monday* in the month of *May* in the year one thousand eight hundred and ninety-one, the Honorable *William Crosby* one of the Members for the District of *Hobart*, the present Member for the District of *Cambridge*, and the present Member for the District of *Mersey*, shall retire ;

and every such Member shall, until he retires in accordance with the provisions of this Act, be entitled to sit and vote as a Member of the said Legislative Council, notwithstanding that the term of Six years for which he was elected may have expired ; and if at the time when this Act shall come into operation the seat of any such Member whose name is specifically mentioned in this Section is held by some other person, the name of such person shall be and the same is hereby substituted for the name of the Member whose seat shall have been vacated and filled up, so that the person who shall hold the seat at the time when this Act shall come into operation shall retire in the year specified, in accordance with the provisions of this Act.

9 And whereas in order to ensure regularity in the retirement of the Members of the Legislative Council as provided in this Act, it is expedient that the First Members of the said Council for the Districts of *Mersey* and *Tamar* should not hold their seats for the full period of Six years as hereinbefore provided in Section Six : Be it therefore enacted that the new Members elected to represent the Districts of *Mersey* and *Tamar* at the Periodical Election to occur in the year One thousand eight hundred and eighty-six shall retire, in accordance with the provisions of this Act, as follows :—

Retirement of  
new Members of  
Legislative  
Council.

On the First *Monday* in the month of *May* in the year One thousand eight hundred and eighty-eight, the said new Member for the District of *Mersey* shall retire ; and

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On the First *Monday* in the month of *May* in the year One thousand eight hundred and eighty-nine, the said new Member for the District of *Tamar* shall retire.

Special provisions for First Periodical Elections.

**10** And whereas delays may occur in the preparation of the Electoral Rolls and Polling Lists to come into force in the year One thousand eight hundred and eighty-six which would make the holding of the Periodical Election in such year on the day fixed by this Act impracticable: Be it therefore enacted that notwithstanding anything hereinbefore contained, it shall be lawful for the Governor, with the advice of the Executive Council, by Proclamation published in the *Gazette* not later than the First day of *May*, One thousand eight hundred and eighty-six, in the event of the Electoral Rolls and Polling Lists not being then made out under the Electoral Act and in force for the Electoral Districts to which the Members of the Legislative Council shall have been assigned by this Act as aforesaid, to appoint a day in the year One thousand eight hundred and eighty-six on which such Periodical Election shall be held in lieu of the day fixed by this Act: Provided that the Members elected at such Election, except as in the last preceding Section provided, shall hold their seats for a period of Six years from the day fixed by this Act for such Periodical Election in the same manner as if such Election had been held on that day as provided in this Act.

Quorum of Legislative Council.

**11** The Legislative Council shall not be competent to the despatch of business unless there be present, including the President, at least Nine Members of the said Council; and all questions which shall arise shall be decided by the majority of the votes of those Members of the Council who shall be present, exclusive of the President, who shall be allowed a casting vote.

*House of Assembly.*

House of Assembly to consist of 36 Members: their qualification.

**12** The House of Assembly shall consist of Thirty-six elected Members; but no person shall be capable of being elected a Member of the House of Assembly who shall not be of the full age of Twenty-one years, and a natural-born or naturalized subject of Her Majesty, or who has not obtained Letters of Denization or a Certificate of Naturalization.

*Miscellaneous.*

Present Parliament may meet and transact business although Governor signifies Queen's Assent hereto.

**13** Notwithstanding anything to the contrary contained in this Act or any other Act, and notwithstanding that the Governor signifies Her Majesty's Assent hereto, it shall be lawful and competent for the existing Parliament of *Tasmania* to meet and transact any business until the dissolution of the present House of Assembly.

Repeal.

**14** The Acts mentioned in the Schedule, to the extent to which the same are therein expressed to be repealed, shall be and the same are hereby repealed from and after the coming into operation of this Act.

Acts to be read together.

**15** "The Constitution Act," and the Acts amending the same shall, save as altered or amended by this Act, and this Act, be read and construed together as one Act.

*Constitution Amendment.*

## SCHEDULE.

A.D. 1885.

## ACTS TO BE REPEALED.

<i>Date and Number of Act.</i>	<i>Title of Act.</i>	<i>Extent of Repeal.</i>
18 Vict. No. 17	"The Constitution Act"	Section Eleven.
23 Vict. No. 43	"The Constitution Amendment Act, 1859"	The whole Act.
34 Vict. No. 42	"The Constitution Amendment Act, 1870"	Sections 2 and 4.

