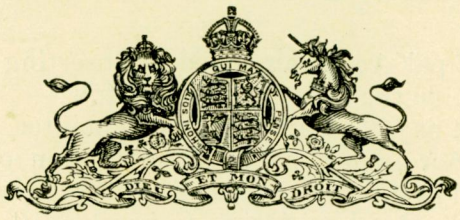
This PUBLIC BILL *originated in the* LEGISLATIVE COUNCIL, *and, having this day passed, is now ready for presentation to the* LEGISLATIVE ASSEMBLY *for its concurrence.*

W. L. S. COOPER,
Clerk of the Parliaments.

Legislative Council Chamber,
Sydney, 30*th October,* 1929.

New South Wales.



ANNO VICESIMO

GEORGII V REGIS.

* *

Act No. , 1929.

An Act to alter the constitution of the Legislative Council; to amend the Constitution Act, 1902, and certain other Acts; and for purposes connected therewith.

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

1. (1) This Act may be cited as the "Constitution (Further Amendment) Act, 1929," and shall be read and construed with the Constitution Act, 1902, as amended by subsequent Acts. Short title.

(2) The Constitution Act, 1902, as so amended, is in this Act referred to as the Principal Act.

(3) The Principal Act, as amended by this Act, may be cited as the Constitution Act, 1902–1929.

5 (4) This Bill shall not be presented to the Governor for His Majesty's Assent unless at a referendum a majority of the electors voting approve the Bill.

In this subsection "electors" means electors qualified 10 to vote for the election of Members of the Legislative Assembly.

2. (1) The Principal Act is amended by inserting at the end of section three the following paragraph:— Amendment of Act No. 32, 1902, s. 3.

"The appointed day" means the day appointed by 15 the Governor in pursuance of subsection one of section 17A of this Act as the day on and from which the Legislative Council shall be reconstituted.

(2) The Principal Act is amended by inserting next 20 after section seventeen the following new sections:— Amendment *Ibid.* New ss. 17A, 17B, 17C, 17D, 17E.

17A. (1) The Legislative Council shall, on and from a day to be appointed by the Governor and notified by proclamation published in the Gazette, be reconstituted, and shall consist of sixty 25 elected Members. Constitution of Legislative Council.

(2) Such Members shall be elected at elections at which the electors shall be the Members of the Legislative Council and the Members of the Legislative Assembly voting as 30 one electoral body and recording their votes at sittings of the respective Houses of the Parliament.

Any vacancy in the seat of a Member shall be filled by a like election.

(3) Elections of Members of the Legislative 35 Council shall wherever the election is contested, and more than one seat is to be filled, be according to the principle of proportional representation, each voter having one transferable vote, and where only one seat is to be filled be according to a 40 preferential system.

The

The voting at any such election shall be by secret ballot.

The elections shall be conducted at the times and in the manner provided by law.

5 17B. (1) Subject to the disqualifications set out in this Act any person whether male or female, married or unmarried— Qualifications, &c.

(a) who is an elector entitled to vote at the election of Members of the Legislative
10 Assembly, or a person entitled to become such elector; and

(b) who has been for three years at the least resident within the limits of the Commonwealth of Australia; and

15 (c) who is a natural-born or naturalized subject of the King,

shall be capable of being elected as a Member of the Legislative Council and of sitting and voting therein.

20 (2) No person being a Member of the Legislative Assembly shall be capable of being elected or of sitting or voting as a Member of the Legislative Council.

(3) If after being elected as a Member of
25 the Legislative Council any person accepts any office of profit under the Crown, or any pension from the Crown during pleasure or for a term of years, his election shall thereupon become void, and an election shall be held to fill the vacancy.

30 Provided that nothing in this subsection shall extend to—

(a) any person in receipt only of pay, half-pay, or a pension as an officer in His Majesty's navy or army, or who accepts any office of
35 profit in His Majesty's navy or army; or

(b) any person who accepts any of the offices enumerated in the Second Schedule hereto, or any office of profit under the Crown created by Act of Parliament as an office of
40 the Executive Government.

17C. (1) A person shall not be a candidate at any election unless he is nominated for election. Nominations.

(2) Every nomination of a candidate shall be in writing, and shall be made by means of a nomination paper which shall be in or to the effect of the form prescribed by law.

(3) A nomination paper shall contain the name of one candidate and one candidate only.

(4) A nomination paper shall be invalid unless the person nominated therein has consented to the nomination in the manner provided by law.

(5) Each nomination paper shall be signed by six and not more than six electors.

No elector shall sign more than two nomination papers for any election, but the contravention of this provision shall not of itself invalidate any nomination paper.

Each elector signing a nomination paper for any election shall certify thereon that he has not previously signed more than one nomination paper for that election.

If an elector contravenes this subsection by signing more than two nomination papers he shall be liable to such penalty as may be prescribed by law, and shall be disqualified from voting and from being a candidate at any election of Members of the Legislative Council held within four years after the date of the contravention.

17D. (1) Notwithstanding any other provision of this Act the provisions of this section shall apply to the election of the sixty members who are to be elected in pursuance of section 17A of this Act for the first constitution of the Legislative Council. Elections for the first constitution of the Legislative Council.

(2) There shall be four separate elections at each of which fifteen members shall be elected.

(3) For the purposes of the first of the four elections the candidates shall consist of all those persons who are duly nominated for election. Each nomination paper shall be signed by two, and not more than two, electors.

No

No elector shall sign more than two nomination papers, but the contravention of this provision shall not of itself invalidate any nomination paper.

Each elector signing a nomination paper for any election shall certify thereon that he has not previously signed more than one nomination paper for that election.

If an elector contravenes this subsection by signing more than two nomination papers he shall be liable to such penalty as may be prescribed by law, and shall be disqualified from voting and from being a candidate at any election of Members of the Legislative Council held within four years after the date of the contravention.

(4) At the second of the four elections the candidates shall consist of those persons who were candidates at the first election and were not declared elected at that election.

(5) At the third of the four elections the candidates shall consist of those persons who, being members of the Legislative Council, were candidates at the second election and were not declared elected at that election.

(6) At the fourth of the four elections the candidates shall consist of those persons who were candidates at the third election and were not declared elected at that election.

Where candidates are insufficient, a further election to be held.

17E. (1) If at any election the number of candidates for election does not exceed the number of persons required to be elected all the candidates shall be declared elected.

(2) If at any election the number of candidates for election is less than the number of persons required to be elected, a fresh election shall be held to fill the vacancies.

Commencement of section.

3. (1) This section shall commence upon the appointed day.

Amendment of Act No. 32, 1902, secs. 16, 17.

(2) The Principal Act is amended by omitting sections sixteen and seventeen;

(3)

(3) The Principal Act is amended by inserting next after section 17E as inserted by section two of this Act the following new section :— Amendment of Act No. 32 1902.

New s. 17F.

17F. (1) Subject to the provisions of subsections three and five of this section, the term of service of a Member of the Legislative Council shall expire at the end of twelve years from its commencement. Term of service, &c.

(2) One-fourth of the Members of the Legislative Council shall be elected every three years.

(3) The term of service of the Members elected under section 17D of this Act shall expire as follows :—

(a) in the case of the fifteen who are elected at the first election under that section—at the end of twelve years from the commencement of such term;

(b) in the case of the fifteen who are elected at the second election under that section—at the end of nine years from the commencement of such term;

(c) in the case of the fifteen who are elected at the third election under that section—at the end of six years from the commencement of such term;

(d) in the case of the fifteen who are elected at the fourth election under that section—at the end of three years from the commencement of such term.

(4) A Member of the Council whose term of service is about to expire shall, if not otherwise disqualified, be capable of being re-elected.

(5) Where the seat of a Member becomes vacant before the expiration of his term of service the term of service of the person elected to fill such casual vacancy shall expire at the date of the expiration of the term of service of the Member whose seat he is elected to fill. Casual vacancies.

(6)

(6) For the purposes of this section—

(a) the term of service of a Member elected for the first constitution of the Legislative Council shall be taken to commence on the appointed day.

(b) the term of service of a member elected to fill a seat which becomes vacant by the expiry of the holder's term of service shall be taken to commence on such expiry.

(4) The Principal Act is amended— Amendment of Act No. 32, 1902.

(a) by omitting from subsection one of section thirteen the words "summoned or"; Sec. 13 (1). (Consequential.

(b) by omitting from subsection one of section fourteen the words "summoned to the said Council, or elected and returned as a Member to serve in the said Assembly for any electoral district, such summons or" and by inserting in lieu thereof the words "elected and returned as a Member to serve in the said Council or the said Assembly such"; Sec. 14 (1). (Consequential.)

(5) The Principal Act is amended by omitting section twenty and by inserting in lieu thereof the following section:— Amendment of Act No. 32, 1902, s. 20.

20. The law for the time being in force relating to the determination of any dispute or question respecting any election return or qualification of a Member of the Legislative Assembly, or respecting any vacancy therein shall, mutatis mutandis, and subject to any modifications and amendments enacted from time to time by the Legislature, apply to the determination of similar disputes or questions respecting the election return or qualification of a Member of the Legislative Council or respecting any vacancy therein. Determination of questions of elections, &c.

(6) The Principal Act is amended by omitting section twenty-one and by inserting in lieu thereof the following section:— Amendment of Act No. 32, 1902, s. 21.

21. (1) The Legislative Council shall, before proceeding to the despatch of any other business, choose one of their number to be President of the Legislative Council, and as often as the office of President President

President becomes vacant the Legislative Council shall again choose one of their number to be the President.

The President shall cease to hold office if he ceases to be a member of the Legislative Council. He may be removed from office by a vote of the Legislative Council or he may resign his office by writing under his hand addressed to the Governor.

(2) Before or during the absence of the President the Legislative Council may choose one of their number to perform the duties of the President during his absence.

(3) The President or presiding Member may take part in any debate or discussion which may arise in the Legislative Council.

(7) The Principal Act is amended by inserting in subsection two of section twenty-two after the word "President" wherever occurring the words "or the presiding Member." Amendment of Act No. 32, 1902, s. 22. (Casting vote.)

(8) The Constitution (Amendment) Act, 1925, is hereby repealed. Consequential repeal of Act No. 1, 1926.

4. (1) This section shall commence upon the appointed day. Commencement of section.

(2) The Principal Act is amended by inserting at the end of the proviso to section five the following words and new subsections :— Amendmen of Act No. 32, 1902, s. 5. (Money bills.

"but a Bill shall not be taken to be a Bill for appropriating any part of the public revenue or for imposing any new rate, tax, or impost by reason only that it contains provisions for the imposition or appropriation of fines or other pecuniary penalties, or for the demand or payment or appropriation of fees for licenses or fees for services. Vict. Constitution, s. LVI.

(2) The Legislative Council may reject but may not alter a Bill for appropriating any part of the public revenue or for imposing any new rate, tax, or impost.

(3)

(3) The Legislative Council may once at each of the undermentioned stages of a Bill, which the Council may not alter, return such Bill to the Legislative Assembly, suggesting by message the omission or amendment of any items or provisions therein, and the Assembly may, if it thinks fit, make any of such omissions or amendments with or without modifications.

Power of Council to suggest alterations in certain Bills. Vict. 6 Geo. V, No. 2632, s. 33.

The Council may not suggest any omission or amendment the effect of which will be to increase any proposed charge or burden upon the people.

(4) The stages of a Bill at which the Council may return the Bill with a message as aforesaid shall be—

(a) the consideration of the Bill in Committee;

(b) the consideration of the report of the Committee; and

(c) the consideration of the question that the Bill be read a third time."

(3) The Principal Act is amended by inserting next after section nine the following new section :—

Amendment of Act No. 32, 1902. New s. 9A.

9A. (1) If the Legislative Assembly passes any Bill, and the Legislative Council rejects or fails to pass it, or passes it with any amendment to which the Legislative Assembly does not agree, and if after an interval of three months the Legislative Assembly in the next session again passes the Bill with or without any amendment which has been made or agreed to by the Legislative Council, and the Legislative Council rejects or fails to pass it, or passes it with any amendment to which the Legislative Assembly after a free conference between managers does not agree, the Governor may during that session convene a joint sitting of the Members of the Legislative Council and of the Legislative Assembly.

Deadlocks.

(2) The Members present at any joint sitting may deliberate and shall vote together upon the Bill as last proposed by the Legislative Assembly and upon amendments, if any, which have been made therein by one House and not agreed to by the

the other; and any such amendments which are affirmed by a majority of the Members voting thereon shall be taken to have been carried, and if the Bill, with amendments (if any), is affirmed by a majority of the Members voting thereon it shall be presented to the Governor for the signification of His Majesty's pleasure thereon:

Provided that if the Legislative Council shall reject or fail to pass any Bill for appropriating any part of the public revenue such joint sitting may be convened during the same session in which the Legislative Council so rejects or fails to pass such Bill.

(3) If at the joint sitting the Bill is not so affirmed, and the Legislative Assembly in the next Parliament again passes the Bill with or without any amendment which has been made, suggested, or agreed to by the Council, the Bill shall, if the Legislative Council rejects or fails to pass it or passes it with any amendment to which the Legislative Assembly does not agree, be presented to the Governor for the signification of His Majesty's pleasure thereon.

(4) The Legislative Council shall be taken to have failed to pass a Bill if the Bill is not returned to the Legislative Assembly within three months after its transmission to the Legislative Council and the session continues during such period.

(5) Any Bill which is presented in pursuance of any provision of this section for the signification of His Majesty's pleasure, and to which the Royal assent is given, shall be as valid and effectual in all respects as if it had been a law made by the Legislature.

The words of enactment shall be in accordance with the mode by which the law is made.

Any alteration of a Bill necessary to give effect to this subsection shall not be deemed to be an amendment of the Bill.

(6) Nothing in this section shall affect the provisions of section 7A of this Act as inserted by the Constitution (Legislative Council) Amendment Act, 1929.

(4) The Principal Act is amended by inserting next after section fifteen the following new section :— Amendment of Act No. 32, 1902. New s. 15A.

15A. A joint sitting of the Legislative Assembly and the Legislative Council required under the provisions of this Act may be convened by the Governor by message to both Houses. Joint sittings. cf. 9 Edw. VII, c. 9, s. 58.

At such joint sitting the President of the Legislative Council or in his absence the Speaker of the Legislative Assembly shall preside, and until standing rules and orders governing the procedure at joint sittings have been passed by both Houses and approved by the Governor the standing rules and orders of the Legislative Council shall so far as practicable apply.

(5) The Principal Act is amended by inserting next after section thirty-eight the following new section :— Amendment of Act No. 32, 1902. New s. 38A.

38A. (1) Notwithstanding anything contained in this Act any Executive Councillor who is a Member of the Legislative Council or of the Legislative Assembly may at any time with the consent of the House of which he is not a Member sit in such House for the purpose only of explaining the provisions of any Bill relating to or connected with any department administered by him, and may take part in any debate or discussion therein on such Bill, but he shall not vote except in the House of which he is an elected Member. Powers of Ministers to speak in either House.

(2) It shall not be lawful at any one time for more than one Executive Councillor under the authority of this section to sit in the House of which he is not a Member.

Sydney: Alfred James Kent, I.S.O., Government Printer—1929.

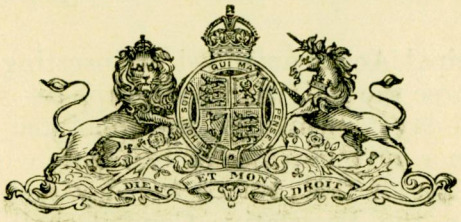
[10d.]

I Certify that this PUBLIC BILL, *which originated in the* LEGISLATIVE COUNCIL, *has finally passed the* LEGISLATIVE COUNCIL *and the* LEGISLATIVE ASSEMBLY *of* NEW SOUTH WALES.

W. L. S. COOPER,
Clerk of the Parliaments.

Legislative Council Chamber,
Sydney, 4th December, 1929.

New South Wales.



ANNO VICESIMO

GEORGII V REGIS.

* *

Act No. , 1929.

An Act to alter the constitution of the Legislative Council; to amend the Constitution Act, 1902, and certain other Acts; and for purposes connected therewith.

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

1. (1) This Act may be cited as the "Constitution (Further Amendment) Act, 1929," and shall be read and construed with the Constitution Act, 1902, as amended by subsequent Acts. Short title.

(2)

(2) The Constitution Act, 1902, as so amended, is in this Act referred to as the Principal Act.

(3) The Principal Act, as amended by this Act, may be cited as the Constitution Act, 1902–1929.

(4) This Bill shall not be presented to the Governor for His Majesty's Assent unless at a referendum a majority of the electors voting approve the Bill.

In this subsection " electors " means electors qualified to vote for the election of Members of the Legislative Assembly.

2. (1) The Principal Act is amended by inserting at the end of section three the following paragraph :— Amendment of Act No. 32, 1902, s. 3.

"The appointed day" means the day appointed by the Governor in pursuance of subsection one of section 17A of this Act as the day on and from which the Legislative Council shall be reconstituted.

(2) The Principal Act is amended by inserting next after section seventeen the following new sections :— Amendment *Ibid.* New ss. 17A, 17B, 17C, 17D, 17E.

17A. (1) The Legislative Council shall, on and from a day to be appointed by the Governor and notified by proclamation published in the Gazette, be reconstituted, and shall consist of sixty elected Members. Constitution of Legislative Council.

(2) Such Members shall be elected at elections at which the electors shall be the Members of the Legislative Council and the Members of the Legislative Assembly voting as one electoral body and recording their votes at sittings of the respective Houses of the Parliament.

Any vacancy in the seat of a Member shall be filled by a like election.

(3) Elections of Members of the Legislative Council shall wherever the election is contested, and more than one seat is to be filled, be according to the principle of proportional representation, each voter having one transferable vote, and where only one seat is to be filled be according to a preferential system.

The

The voting at any such election shall be by secret ballot.

The elections shall be conducted at the times and in the manner provided by law.

Qualifications, &c.

17B. (1) Subject to the disqualifications set out in this Act any person whether male or female, married or unmarried—

(a) who is an elector entitled to vote at the election of Members of the Legislative Assembly, or a person entitled to become such elector; and

(b) who has been for three years at the least resident within the limits of the Commonwealth of Australia; and

(c) who is a natural-born or naturalized subject of the King,

shall be capable of being elected as a Member of the Legislative Council and of sitting and voting therein.

(2) No person being a Member of the Legislative Assembly shall be capable of being elected or of sitting or voting as a Member of the Legislative Council.

(3) If after being elected as a Member of the Legislative Council any person accepts any office of profit under the Crown, or any pension from the Crown during pleasure or for a term of years, his election shall thereupon become void, and an election shall be held to fill the vacancy.

Provided that nothing in this subsection shall extend to—

(a) any person in receipt only of pay, half-pay, or a pension as an officer in any of His Majesty's defence forces or who accepts any office of profit in any of His Majesty's defence forces; or

(b) any person who accepts any of the offices enumerated in the Second Schedule hereto, or any office of profit under the Crown created by Act of Parliament as an office of the Executive Government.

17C. (1) A person shall not be a candidate at any election unless he is nominated for election. Nominations

(2) Every nomination of a candidate shall be in writing, and shall be made by means of a nomination paper which shall be in or to the effect of the form prescribed by law.

(3) A nomination paper shall contain the name of one candidate and one candidate only.

(4) A nomination paper shall be invalid unless the person nominated therein has consented to the nomination in the manner provided by law.

(5) Each nomination paper shall be signed by six and not more than six electors.

No elector shall sign more than two nomination papers for any election, but the contravention of this provision shall not of itself invalidate any nomination paper.

Each elector signing a nomination paper for any election shall certify thereon that he has not previously signed more than one nomination paper for that election.

If an elector contravenes this subsection by signing more than two nomination papers he shall be liable to such penalty as may be prescribed by law, and shall be disqualified from voting and from being a candidate at any election of Members of the Legislative Council held within four years after the date of the contravention.

17D. (1) Notwithstanding any other provision of this Act the provisions of this section shall apply to the election of the sixty members who are to be elected in pursuance of section 17A of this Act for the first constitution of the Legislative Council. Elections for the first constitution of the Legislative Council.

(2) There shall be four separate elections at each of which fifteen members shall be elected, but nominations shall be made as if the four elections formed one election.

(3) Each nomination paper shall be signed by two, and not more than two, electors.

No

No elector shall sign more than two nomination papers, but the contravention of this provision shall not of itself invalidate any nomination paper.

Each elector signing a nomination paper shall certify thereon that he has not previously signed more than one nomination paper.

If an elector contravenes this subsection by signing more than two nomination papers he shall be liable to such penalty as may be prescribed by law, and shall be disqualified from voting and from being a candidate at any election of Members of the Legislative Council held within four years after the date of the contravention.

(4) At the first of the four elections the candidates shall consist of those persons who are duly nominated for election.

(5) At the second of the four elections the candidates shall consist of those persons who were candidates at the first election and were not declared elected at that election.

(6) At the third of the four elections the candidates shall consist of those persons who were candidates at the second election and were not declared elected at that election.

(7) At the fourth of the four elections the candidates shall consist of those persons who were candidates at the third election and were not declared elected at that election.

Where candidates are insufficient, a further election to be held.

17E. (1) If at any election the number of candidates for election does not exceed the number of persons required to be elected all the candidates shall be declared elected.

(2) If at any election the number of candidates for election is less than the number of persons required to be elected, a fresh election shall be held to fill the vacancies.

Commencement of section.

3. (1) This section shall commence upon the appointed day.

Amendment of Act No. 32, 1902, secs. 16, 17.

(2) The Principal Act is amended by omitting sections sixteen and seventeen.

(3) The Principal Act is amended by inserting next after section 17E as inserted by section two of this Act the following new section :— Amendment of Act No. 32 1902.

New s. 17F.

17F. (1) Subject to the provisions of subsections three and five of this section, the term of service of a Member of the Legislative Council shall expire at the end of twelve years from its commencement. Term of service, &c.

(2) One-fourth of the Members of the Legislative Council shall be elected every three years.

(3) The term of service of the Members elected under section 17D of this Act shall expire as follows :—

(a) in the case of the fifteen who are elected at the first election under that section—at the end of twelve years from the commencement of such term;

(b) in the case of the fifteen who are elected at the second election under that section—at the end of nine years from the commencement of such term;

(c) in the case of the fifteen who are elected at the third election under that section—at the end of six years from the commencement of such term;

(d) in the case of the fifteen who are elected at the fourth election under that section—at the end of three years from the commencement of such term.

(4) A Member of the Council whose term of s rvice is about to expire shall, if not otherwise disqualified, be capable of being re-elected.

(5) Where the seat of a Member becomes vacant before the expiration of his term of service the term of service of the person elected to fill such casual vacancy shall expire at the date of the expiration of the term of service of the Member whose seat he is elected to fill. Casual vacancies.

(6)

(6) For the purposes of this section—

(a) the term of service of a Member elected for the first constitution of the Legislative Council shall be taken to commence on the appointed day.

(b) the term of service of a member elected to fill a seat which becomes vacant by the expiry of the holder's term of service shall be taken to commence on such expiry.

(4) The Principal Act is amended— Amendment of Act No. 32, 1902.

(a) by omitting from subsection one of section thirteen the words "summoned or"; Sec. 13 (1). (Consequential.)

(b) by omitting from subsection one of section fourteen the words "summoned to the said Council, or elected and returned as a Member to serve in the said Assembly for any electoral district, such summons or" and by inserting in lieu thereof the words "elected and returned as a Member to serve in the said Council or the said Assembly such"; Sec. 14 (1). (Consequential.)

(5) The Principal Act is amended by omitting section twenty and by inserting in lieu thereof the following section:— Amendment of Act No. 32, 1902, s. 20.

20. The law for the time being in force relating to the determination of any dispute or question respecting any election return or qualification of a Member of the Legislative Assembly, or respecting any vacancy therein shall, mutatis mutandis, and subject to any modifications and amendments enacted from time to time by the Legislature, apply to the determination of similar disputes or questions respecting the election return or qualification of a Member of the Legislative Council or respecting any vacancy therein. Determination of questions of elections, &c.

(6) The Principal Act is amended by omitting section twenty-one and by inserting in lieu thereof the following section:— Amendment of Act No. 32, 1902, s. 21.

21. (1) The Legislative Council shall, before proceeding to the despatch of any other business, choose one of their number to be President of the Legislative Council, and as often as the office of President President

President becomes vacant the Legislative Council shall again choose one of their number to be the President.

The President shall cease to hold office if he ceases to be a member of the Legislative Council. He may be removed from office by a vote of the Legislative Council or he may resign his office by writing under his hand addressed to the Governor.

(2) Before or during the absence of the President the Legislative Council may choose one of their number to perform the duties of the President during his absence.

(3) The President or presiding Member may take part in any debate or discussion which may arise in the Legislative Council.

(7) The Principal Act is amended by inserting in subsection two of section twenty-two after the word "President" wherever occurring the words "or the presiding Member." Amendment of Act No. 32, 1902, s. 22. (Casting vote.)

(8) The Constitution (Amendment) Act, 1925, is hereby repealed. Consequential repeal of Act No. 1, 1926.

4. (1) This section shall commence upon the appointed day. Commencement of section.

(2) The Principal Act is amended by omitting the proviso to section five. Amendment of Act No. 32, 1902, s. 5.

(3) The Principal Act is amended by inserting next after section five the following new sections :— Amendment of Act No. 32, 1902. New ss. 5A, 5B, 5C.

5A. Bills appropriating revenue or moneys or imposing taxation shall not originate in the Legislative Council. A Bill shall not be taken to appropriate revenue or moneys or to impose taxation by reason only of its containing provisions for the imposition or appropriation of fines or other pecuniary penalties, or for the demand or payment or appropriation of fees for licenses or fees for services under the Bill. Powers of the Houses in respect of legislation.

The Legislative Council may not amend Bills imposing taxation or Bills appropriating revenue or moneys for the ordinary annual services of the Government.

The

The Legislative Council may not amend any Bill so as to increase any proposed charge or burden on the people.

The Legislative Council may at any stage return to the Legislative Assembly any Bill which the Council may not amend, suggesting by message the amendment of any provision therein, whether by the omission of any item or otherwise. The Assembly may, if it thinks fit, make any such amendment with or without modifications.

Disagreement between the two Houses.

Appropriation for annual services.

5B. (1) If the Legislative Assembly passes any Bill appropriating revenue or moneys for the ordinary annual services of the Government, and the Legislative Council rejects or fails to pass it, or returns the Bill to the Legislative Assembly with a message suggesting any amendment with which the Legislative Assembly does not agree, the Legislative Assembly may direct that the Bill, with or without any amendment suggested by the Legislative Council, be presented to the Governor for the signification of His Majesty's pleasure thereon.

The Legislative Council shall be taken to have failed to pass any such Bill if the Bill is not returned to the Legislative Assembly within one month after its transmission to the Legislative Council and the session continues during such period.

Bills imposing taxation.

(2) If the Legislative Assembly passes any Bill imposing taxation, and the Legislative Council rejects or fails to pass it or returns the Bill to the Legislative Assembly with a message suggesting any amendment with which the Legislative Assembly does not agree, and if after an interval of three months the Legislative Assembly in the same session or in the next session, whether of the same Parliament or not, again passes the Bill, with or without any amendment which has been suggested by the Legislative Council, and the Legislative Council rejects or fails to pass it, or returns the Bill with a message suggesting any amendment

amendment with which the Legislative Assembly, after a free conference between managers, does not agree, the Governor may convene a joint sitting of the Members of the Legislative Council and of the Legislative Assembly.

The Members present at the joint sitting may deliberate upon the Bill as last proposed by the Legislative Assembly and upon those amendments suggested by the Legislative Council with which the Legislative Assembly does not agree.

No vote shall be taken at the joint sitting.

After the joint sitting the Legislative Assembly in the same session or in the next session, whether of the same Parliament or not, may direct that the Bill with or without any amendment which has been suggested by the Legislative Council, be presented to the Governor for the signification of His Majesty's pleasure thereon.

The Legislative Council shall be taken to have failed to pass any such Bill if the Bill is not returned to the Legislative Assembly within one month after its transmission to the Legislative Council, and the session continues during such period.

Bills generally.

(3) If the Legislative Assembly passes any Bill other than a Bill to which subsection one or subsection two of this section applies, and the Legislative Council rejects or fails to pass it, or passes it with any amendment to which the Legislative Assembly does not agree, and if after an interval of three months the Legislative Assembly in the same session or in the next session, whether of the same Parliament or not, again passes the Bill with or without any amendment which has been made or agreed to by the Legislative Council, and the Legislative Council rejects or fails to pass it, or passes it with any amendment to which the Legislative Assembly, after a free conference between managers, does not agree, the Governor may convene a joint sitting of the Members of the Legislative Council and of the Legislative Assembly.

The

The Members present at the joint sitting may deliberate and shall vote together upon the Bill as last proposed by the Legislative Assembly and upon amendments, if any, which have been made therein by one House and not agreed to by the other; and any such amendments which are affirmed by a majority of the Members voting thereon shall be taken to have been carried, and if the Bill, with amendments, if any, is affirmed by a majority of the Members voting thereon, it shall be presented to the Governor for the signification of His Majesty's pleasure thereon.

If at the joint sitting the Bill is not so affirmed, and the Legislative Assembly in the next Parliament again passes the Bill with or without any amendment which has been made or agreed to by the Legislative Council, the Bill shall, if the Legislative Council rejects or fails to pass it or passes it with any amendment to which the Legislative Assembly does not agree, be presented to the Governor for the signification of His Majesty's pleasure thereon.

The Legislative Council shall be taken to have failed to pass such a Bill if the Bill is not returned to the Legislative Assembly within three months after its transmission to the Legislative Council and the session continues during such period.

(4) Where a Bill is presented to the Governor for the signification of His Majesty's pleasure thereon in pursuance of any provision of this section there shall be endorsed on the Bill a certificate of the Speaker of the Legislative Assembly signed by him that the provisions of this section applicable to such Bill have been duly complied with.

(5) Nothing in this section shall affect the provisions of section 7A of this Act as inserted by the Constitution (Legislative Council) Amendment Act, 1929.

5C. (1) Where any Bill is presented for the signification of His Majesty's pleasure under the provisions of section 5B of this Act, and the Royal

Assent

Assent is given thereto, the Bill shall become an Act of Parliament, notwithstanding that the Legislative Council has not consented to the Bill, and the provisions of this section shall have effect.

(2) If the Bill has been affirmed at a joint sitting, the words of enactment shall be as follows:—

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 New South Wales at a joint sitting of the Members thereof in accordance with the provisions of section 5B of the Constitution Act, 1902–1929, and by the authority of the same, as follows:—

Any alteration of a Bill necessary to give effect to this subsection shall not be deemed to be an amendment of the Bill.

(3) In any other case coming within this section the words of enactment shall be as follows:—

Be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of New South Wales in Parliament assembled in accordance with the provisions of section 5B of the Constitution Act, 1902–1929, and by authority of the same as follows:—

Any alteration of a Bill necessary to give effect to this subsection shall not be deemed to be an amendment of the Bill.

(4) If a Bill which appropriates revenue or moneys for the ordinary annual services of the Government becomes an Act under the provisions of this section, any provision in such Act dealing with any matter other than such appropriation shall be of no effect.

(5) If a Bill imposing taxation becomes an Act under the provisions of this section any provisions in such Act dealing with any matter other than the imposition of taxation shall be of no effect.

5D. Any reference in section 5A, 5B, or 5C of this Act to the imposition of taxation shall be read as including a reference to the repeal, remission, or alteration of taxation. Bills relating to taxation.

(4) The Principal Act is amended by inserting next after section fifteen the following new section :— Amendment of Act No. 32, 1902.

New s. 15A. Joint sittings. cf. 9 Edw. VII, c. 9, s. 58.

15A. A joint sitting of the Legislative Assembly and the Legislative Council required under the provisions of this Act may be convened by the Governor by message to both Houses.

At such joint sitting the President of the Legislative Council or in his absence the Speaker of the Legislative Assembly shall preside, and until standing rules and orders governing the procedure at joint sittings have been passed by both Houses and approved by the Governor the standing rules and orders of the Legislative Council shall so far as practicable apply.

(5) The Principal Act is amended by inserting next after section thirty-eight the following new section :— Amendment of Act No. 32, 1902.

New s. 38A. Powers of Ministers to speak in either House.

38A. (1) Notwithstanding anything contained in this Act any Executive Councillor who is a Member of the Legislative Council or of the Legislative Assembly may at any time with the consent of the House of which he is not a Member sit in such House for the purpose only of explaining the provisions of any Bill relating to or connected with any department administered by him, and may take part in any debate or discussion therein on such Bill, but he shall not vote except in the House of which he is an elected Member.

(2) It shall not be lawful at any one time for more than one Executive Councillor under the authority of this section to sit in the House of which he is not a Member.

This PUBLIC BILL *originated in the* LEGISLATIVE COUNCIL, *and, having this day passed, is now ready for presentation to the* LEGISLATIVE ASSEMBLY *for its concurrence.*

W. L. S. COOPER,
Clerk of the Parliaments.

Legislative Council Chamber,
Sydney, 30*th October,* 1929.

CONSTITUTION (FURTHER AMENDMENT) BILL.

SCHEDULE of Legislative Assembly's Amendments.

Page 3, clause 2, lines 33–35. *Omit* " His Majesty's navy or army, or who accepts any office of profit in His Majesty's navy or army " *insert* **" any of His Majesty's defence forces or who accepts any office of profit in any of His Majesty's defence forces "**

Page 4, clause 2, line 35. *After* " elected " *insert* **" but nominations shall be made as if the four elections formed one election "**

Page 4, clause 2, line 38. *Omit* " For the purposes of the first of the four elections the candidates shall consist of all those persons who are duly nominated for election "

Page 5, clause 2, lines 4–5. *Omit* " for any election "

Page 5, clause 2, line 7. *Omit* " for that election "

Page 5, clause 2, line 15. *After* line 14 *insert* subclause **(4)**.

Page 5, clause 2, lines 23–24. *Omit* " being Members of the Legislative Council "

Pages 8–11, clause 4, line 24 on page 8 to line 4 on page 11. *Omit* subclauses (2) and (3) *insert* new subclauses **(2)** and **(3)**.

B by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

1. (1) This Act may be cited as the " Constitution (Further Amendment) Act, 1929," and shall be read and construed with the Constitution Act, 1902, as amended by subsequent Acts. Short title

NOTE.—The words to be *omitted* are *ruled through ;* those to be *inserted* are printed in **black letter.**

This PUBLIC BILL *originated in the* LEGISLATIVE COUNCIL, *and, having this day passed, is now ready for presentation to the* LEGISLATIVE ASSEMBLY *for its concurrence.*

W. L. S. COOPER,
Clerk of the Parliaments.

Legislative Council Chamber,
Sydney, 30*th October,* 1929.

The LEGISLATIVE ASSEMBLY *has this day agreed to this Bill with Amendments.*

S. G. BOYDELL,
Clerk of the Legislative Assembly.

Legislative Assembly Chamber,
Sydney, 20 *November,* 1929.

New South Wales.

ANNO VICESIMO

GEORGII V REGIS.

* *

Act No. , 1929.

An Act to alter the constitution of the Legislative Council; to amend the Constitution Act, 1902, and certain other Acts; and for purposes connected therewith.

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

1. (1) This Act may be cited as the "Constitution (Further Amendment) Act, 1929," and shall be read and construed with the Constitution Act, 1902, as amended by subsequent Acts. Short title

NOTE.—The words to be *omitted* are *ruled through ;* those to be *inserted* are printed in **black letter.**

(2) The Constitution Act, 1902, as so amended, is in this Act referred to as the Principal Act.

(3) The Principal Act, as amended by this Act, may be cited as the Constitution Act, 1902–1929.

5 (4) This Bill shall not be presented to the Governor for His Majesty's Assent unless at a referendum a majority of the electors voting approve the Bill.

In this subsection "electors" means electors qualified 10 to vote for the election of Members of the Legislative Assembly.

2. (1) The Principal Act is amended by inserting at the end of section three the following paragraph :— Amendment of Act No. 32, 1902, s. 3.

"The appointed day" means the day appointed by 15 the Governor in pursuance of subsection one of section 17A of this Act as the day on and from which the Legislative Council shall be reconstituted.

(2) The Principal Act is amended by inserting next 20 after section seventeen the following new sections :— Amendment *Ibid.* New ss. 17A, 17B, 17C, 17D, 17E.

17A. (1) The Legislative Council shall, on and from a day to be appointed by the Governor and notified by proclamation published in the Gazette, be reconstituted, and shall consist of sixty 25 elected Members. Constitution of Legislative Council.

(2) Such Members shall be elected at elections at which the electors shall be the Members of the Legislative Council and the Members of the Legislative Assembly voting as 30 one electoral body and recording their votes at sittings of the respective Houses of the Parliament.

Any vacancy in the seat of a Member shall be filled by a like election.

(3) Elections of Members of the Legislative 35 Council shall wherever the election is contested, and more than one seat is to be filled, be according to the principle of proportional representation, each voter having one transferable vote, and where only one seat is to be filled be according to a 40 preferential system.

The

The voting at any such election shall be by secret ballot.

The elections shall be conducted at the times and in the manner provided by law.

5 17B. (1) Subject to the disqualifications set out in this Act any person whether male or female, married or unmarried— Qualifications, &c.

(a) who is an elector entitled to vote at the election of Members of the Legislative
10 Assembly, or a person entitled to become such elector; and

(b) who has been for three years at the least resident within the limits of the Commonwealth of Australia; and

15 (c) who is a natural-born or naturalized subject of the King,

shall be capable of being elected as a Member of the Legislative Council and of sitting and voting therein.

20 (2) No person being a Member of the Legislative Assembly shall be capable of being elected or of sitting or voting as a Member of the Legislative Council.

(3) If after being elected as a Member of
25 the Legislative Council any person accepts any office of profit under the Crown, or any pension from the Crown during pleasure or for a term of years, his election shall thereupon become void, and an election shall be held to fill the vacancy.

30 Provided that nothing in this subsection shall extend to—

(a) any person in receipt only of pay, half-pay, or a pension as an officer in ~~His Majesty's navy or army, or who accepts any office of~~
35 ~~profit in His Majesty's navy or army;~~ **any of His Majesty's defence forces or who accepts any office of profit in any of His Majesty's defence forces;** or

(b) any person who accepts any of the offices
40 enumerated in the Second Schedule hereto, or any office of profit under the Crown created by Act of Parliament as an office of the Executive Government.

17C. (1) A person shall not be a candidate at any election unless he is nominated for election. Nominations.

(2) Every nomination of a candidate shall be in writing, and shall be made by means of a nomination paper which shall be in or to the effect of the form prescribed by law.

(3) A nomination paper shall contain the name of one candidate and one candidate only.

(4) A nomination paper shall be invalid unless the person nominated therein has consented to the nomination in the manner provided by law.

(5) Each nomination paper shall be signed by six and not more than six electors.

No elector shall sign more than two nomination papers for any election, but the contravention of this provision shall not of itself invalidate any nomination paper.

Each elector signing a nomination paper for any election shall certify thereon that he has not previously signed more than one nomination paper for that election.

If an elector contravenes this subsection by signing more than two nomination papers he shall be liable to such penalty as may be prescribed by law, and shall be disqualified from voting and from being a candidate at any election of Members of the Legislative Council held within four years after the date of the contravention.

17D. (1) Notwithstanding any other provision of this Act the provisions of this section shall apply to the election of the sixty members who are to be elected in pursuance of section 17A of this Act for the first constitution of the Legislative Council. Elections for the first constitution of the Legislative Council.

(2) There shall be four separate elections at each of which fifteen members shall be elected, **but nominations shall be made as if the four elections formed one election.**

(3) ~~For the purposes of the first of the four elections the candidates shall consist of all those persons who are duly nominated for election.~~ Each nomination paper shall be signed by two, and not more than two, electors.

No

No elector shall sign more than two nomination papers, but the contravention of this provision shall not of itself invalidate any nomination paper.

Each elector signing a nomination paper ~~for any election~~ shall certify thereon that he has not previously signed more than one nomination paper ~~for that election.~~

If an elector contravenes this subsection by signing more than two nomination papers he shall be liable to such penalty as may be prescribed by law, and shall be disqualified from voting and from being a candidate at any election of Members of the Legislative Council held within four years after the date of the contravention.

(4) At the first of the four elections the candidates shall consist of those persons who are duly nominated for election.

(~~4~~ 5) At the second of the four elections the candidates shall consist of those persons who were candidates at the first election and were not declared elected at that election.

(~~5~~ 6) At the third of the four elections the candidates shall consist of those persons who, ~~being members of the Legislative Council,~~ were candidates at the second election and were not declared elected at that election.

(~~6~~ 7) At the fourth of the four elections the candidates shall consist of those persons who were candidates at the third election and were not declared elected at that election.

Where candidates are insufficient, a further election to be held.

17E. (1) If at any election the number of candidates for election does not exceed the number of persons required to be elected all the candidates shall be declared elected.

(2) If at any election the number of candidates for election is less than the number of persons required to be elected, a fresh election shall be held to fill the vacancies.

Commencement of section.

3. (1) This section shall commence upon the appointed day.

Amendment of Act No. 32, 1902, secs. 16, 17.

(2) The Principal Act is amended by omitting sections sixteen and seventeen.

(3)

(3) The Principal Act is amended by inserting next after section 17E as inserted by section two of this Act the following new section :— Amendment of Act No. 32 1902.

New s. 17F.

17F. (1) Subject to the provisions of subsections three and five of this section, the term of service of a Member of the Legislative Council shall expire at the end of twelve years from its commencement. Term of service &c.

(2) One-fourth of the Members of the Legislative Council shall be elected every three years.

(3) The term of service of the Members elected under section 17D of this Act shall expire as follows :—

(a) in the case of the fifteen who are elected at the first election under that section—at the end of twelve years from the commencement of such term;

(b) in the case of the fifteen who are elected at the second election under that section—at the end of nine years from the commencement of such term;

(c) in the case of the fifteen who are elected at the third election under that section—at the end of six years from the commencement of such term;

(d) in the case of the fifteen who are elected at the fourth election under that section—at the end of three years from the commencement of such term.

(4) A Member of the Council whose term of service is about to expire shall, if not otherwise disqualified, be capable of being re-elected.

(5) Where the seat of a Member becomes vacant before the expiration of his term of service the term of service of the person elected to fill such casual vacancy shall expire at the date of the expiration of the term of service of the Member whose seat he is elected to fill. Casual vacancies.

(6)

(6) For the purposes of this section—

(a) the term of service of a Member elected for the first constitution of the Legislative Council shall be taken to commence on the appointed day.

(b) the term of service of a member elected to fill a seat which becomes vacant by the expiry of the holder's term of service shall be taken to commence on such expiry.

(4) The Principal Act is amended— Amendment of Act No. 32, 1902.

(a) by omitting from subsection one of section thirteen the words "summoned or"; Sec. 13 (1). (Consequential.)

(b) by omitting from subsection one of section fourteen the words "summoned to the said Council, or elected and returned as a Member to serve in the said Assembly for any electoral district, such summons or" and by inserting in lieu thereof the words "elected and returned as a Member to serve in the said Council or the said Assembly such"; Sec. 14 (1). (Consequential.)

(5) The Principal Act is amended by omitting section twenty and by inserting in lieu thereof the following section:— Amendment of Act No. 32, 1902, s. 20.

20. The law for the time being in force relating to the determination of any dispute or question respecting any election return or qualification of a Member of the Legislative Assembly, or respecting any vacancy therein shall, mutatis mutandis, and subject to any modifications and amendments enacted from time to time by the Legislature, apply to the determination of similar disputes or questions respecting the election return or qualification of a Member of the Legislative Council or respecting any vacancy therein. Determination of questions of elections, &c.

(6) The Principal Act is amended by omitting section twenty-one and by inserting in lieu thereof the following section:— Amendment of Act No. 32, 1902, s. 21.

21. (1) The Legislative Council shall, before proceeding to the despatch of any other business, choose one of their number to be President of the Legislative Council, and as often as the office of President President

President becomes vacant the Legislative Council shall again choose one of their number to be the President.

The President shall cease to hold office if he ceases to be a member of the Legislative Council. He may be removed from office by a vote of the Legislative Council or he may resign his office by writing under his hand addressed to the Governor.

(2) Before or during the absence of the President the Legislative Council may choose one of their number to perform the duties of the President during his absence.

(3) The President or presiding Member may take part in any debate or discussion which may arise in the Legislative Council.

(7) The Principal Act is amended by inserting in subsection two of section twenty-two after the word "President" wherever occurring the words "or the presiding Member." Amendment of Act No. 32, 1902 s. 22. (Casting vote.)

(8) The Constitution (Amendment) Act, 1925, is hereby repealed. Consequential repeal of Act No. 1, 1926.

4. (1) This section shall commence upon the appointed day. Commencement of section.

(2) The Principal Act is amended by inserting at the end of the proviso to section five the following words and new subsections:— Amendment of Act No. 32, 1902, s. 5. (Money bills.)

"but a Bill shall not be taken to be a Bill for appropriating any part of the public revenue or for imposing any new rate, tax, or impost by reason only that it contains provisions for the imposition or appropriation of fines or other pecuniary penalties, or for the demand or payment or appropriation of fees for licenses or fees for services. Vict. [Constitution, s. LVI].

(2) The Legislative Council may reject but may not alter a Bill for appropriating any part of the public revenue or for imposing any new rate, tax, ~~or impost.~~

(3)

(3) The Legislative Council may once at each of the undermentioned stages of a Bill, which the Council may not alter, return such Bill to the Legislative Assembly, suggesting by message the omission or amendment of any items or provisions therein, and the Assembly may, if it thinks fit, make any of such omissions or amendments with or without modifications.

Power of Council to suggest alterations in certain Bills

Vict. V, No. 6 Geo. 2632 s. 33.

The Council may not suggest any omission or amendment the effect of which will be to increase any proposed charge on burden upon the people.

(4) The stages of a Bill at which the Council may return the Bill with a message as aforesaid shall be—

(a) the consideration of the Bill in Committee;

(b) the consideration of the report of the Committee; and

(c) the consideration of the question that the Bill be read a third time."

(3) The Principal Act is amended by inserting next after section nine the following new section :—

Amendment of Act No. 2632, 1902.

New s. 9A.

9A. (1) If the Legislative Assembly passes any Bill, and the Legislative Council rejects or fails to pass it, or passes it with any amendment to which the Legislative Assembly does not agree, and if after an interval of three months the Legislative Assembly in the next session again passes the Bill with or without any amendment which has been made or agreed to by the Legislative Council, and the Legislative Council rejects or fails to pass it, or passes it with any amendment to which the Legislative Assembly after a free conference between managers does not agree, the Governor may during that session convene a joint sitting of the Members of the Legislative Council and of the Legislative Assembly.

Deadlocks.

(2) The Members present at any joint sitting may deliberate and shall vote together upon the Bill as last proposed by the Legislative Assembly and upon amendments, if any, which have been made therein by one House and not agreed to by

the

the other; and any such amendments which are affirmed by a majority of the Members voting thereon shall be taken to have been carried, and if the Bill, with amendments (if any), is affirmed by a majority of the Members voting thereon it shall be presented to the Governor for the signification of His Majesty's pleasure thereon:

Provided that if the Legislative Council shall reject or fail to pass any Bill for appropriating any part of the public revenue such joint sitting may be convened during the same session in which the Legislative Council so rejects or fails to pass such Bill.

(3) If at the joint sitting the Bill is not so affirmed, and the Legislative Assembly in the next Parliament again passes the Bill with or without any amendment which has been made, suggested, or agreed to by the Council, the Bill shall, if the Legislative Council rejects or fails to pass it or passes it with any amendment to which the Legislative Assembly does not agree, be presented to the Governor for the signification of His Majesty's pleasure thereon.

(4) The Legislative Council shall be taken to have failed to pass a Bill if the Bill is not returned to the Legislative Assembly within three months after its transmission to the Legislative Council and the session continues during such period.

(5) Any Bill which is presented in pursuance of any provision of this section for the signification of His Majesty's pleasure, and to which the Royal assent is given, shall be as valid and effectual in all respects as if it had been a law made by the Legislature.

The words of enactment shall be in accordance with the mode by which the law is made.

Any alteration of a Bill necessary to give effect to this subsection shall not be deemed to be an amendment of the Bill.

(6)

(6) Nothing in this section shall affect the provisions of section 7A of this Act as inserted by the Constitution (Legislative Council) Amendment ~~Act, 1929~~.

(2) The Principal Act is amended by omitting the proviso to section five. **Amendment of Act No. 32, 1902, s. 5.**

(3) The Principal Act is amended by inserting next after section five the following new sections :— **Amendment of Act No. 32, 1902. New ss. 5A, 5B, 5C.**

5A. Bills appropriating revenue or moneys or imposing taxation shall not originate in the Legislative Council. A Bill shall not be taken to appropriate revenue or moneys or to impose taxation by reason only of its containing provisions for the imposition or appropriation of fines or other pecuniary penalties, or for the demand or payment or appropriation of fees for licenses or fees for services under the Bill. **Powers of the Houses in respect of legislation.**

The Legislative Council may not amend Bills imposing taxation or Bills appropriating revenue or moneys for the ordinary annual services of the Government.

The Legislative Council may not amend any Bill so as to increase any proposed charge or burden on the people.

The Legislative Council may at any stage return to the Legislative Assembly any Bill which the Council may not amend, suggesting by message the amendment of any provision therein, whether by the omission of any item or otherwise. The Assembly may, if it thinks fit, make any such amendment with or without modifications.

5B. (1) If the Legislative Assembly passes any Bill appropriating revenue or moneys for the ordinary annual services of the Government, and the Legislative Council rejects or fails to pass it or returns the Bill to the Legislative Assembly with a message suggesting any amendment with which the Legislative Assembly does not agree, **Disagreement between the two Houses. Appropriation for annual services**

the

the Legislative Assembly may direct that the Bill, with or without any amendment suggested by the Legislative Council, be presented to the Governor for the signification of His Majesty's pleasure thereon.

The Legislative Council shall be taken to have failed to pass any such Bill if the Bill is not returned to the Legislative Assembly within one month after its transmission to the Legislative Council and the session continues during such period.

Other appropriation, and taxation.

(2) If the Legislative Assembly passes any Bill appropriating revenue or moneys for any purpose other than the ordinary annual services of the Government, or any Bill imposing taxation, and the Legislative Council rejects or fails to pass it or returns the Bill to the Legislative Assembly with a message suggesting any amendment with which the Legislative Assembly does not agree, and if after an interval of three months the Legislative Assembly in the same session or in the next session, whether of the same Parliament or not, again passes the Bill, with or without any amendment which has been suggested by the Legislative Council, and the Legislative Council rejects or fails to pass it, or returns the Bill with a message suggesting any amendment with which the Legislative Assembly, after a free conference between managers, does not agree, the Governor may convene a joint sitting of the Members of the Legislative Council and of the Legislative Assembly.

The Members present at the joint sitting may deliberate upon the Bill as last proposed by the Legislative Assembly and upon those amendments suggested by the Legislative Council with which the Legislative Assembly does not agree.

No vote shall be taken at the joint sitting.

After the joint sitting the Legislative Assembly in the same session or in the next session, whether of the same Parliament or not, may direct that the Bill with or without any amendment which has

been

been suggested by the Legislative Council, be presented to the Governor for the signification of His Majesty's pleasure thereon.

The Legislative Council shall be taken to have failed to pass any such Bill if the Bill is not returned to the Legislative Assembly within one month after its transmission to the Legislative Council, and the session continues during such period.

Bills generally.

(3) If the Legislative Assembly passes any Bill other than a Bill to which subsection one or subsection two of this section applies, and the Legislative Council rejects or fails to pass it, or passes it with any amendment to which the Legislative Assembly does not agree, and if after an interval of three months the Legislative Assembly in the same session or in the next session, whether of the same Parliament or not, again passes the Bill with or without any amendment which has been made or agreed to by the Legislative Council, and the Legislative Council rejects or fails to pass it, or passes it with any amendment to which the Legislative Assembly, after a free conference between managers, does not agree, the Governor may convene a joint sitting of the Members of the Legislative Council and of the Legislative Assembly.

The Members present at the joint sitting may deliberate and shall vote together upon the Bill as last proposed by the Legislative Assembly and upon amendments, if any, which have been made therein by one House and not agreed to by the other ; and any such amendments which are affirmed by a majority of the Members voting thereon shall be taken to have been carried, and if the Bill, with amendments, if any, is affirmed by a majority of the Members voting thereon, it shall be presented to the Governor for the signification of His Majesty's pleasure thereon.

If at the joint sitting the Bill is not so affirmed, and the Legislative Assembly in the next Parliament again

again passes the Bill with or without any amendment which has been made or agreed to by the Legislative Council, the Bill shall, if the Legislative Council rejects or fails to pass it or passes it with any amendment to which the Legislative Assembly does not agree, be presented to the Governor for the signification of His Majesty's pleasure thereon.

The Legislative Council shall be taken to have failed to pass such a Bill if the Bill is not returned to the Legislative Assembly within three months after its transmission to the Legislative Council and the session continues during such period.

(4) Where a Bill is presented to the Governor for the signification of His Majesty's pleasure thereon in pursuance of any provision of this section there shall be endorsed on the Bill a certificate of the Speaker of the Legislative Assembly signed by him that the provisions of this section applicable to such Bill have been duly complied with.

(5) Nothing in this section shall affect the provisions of section 7A of this Act as inserted by the Constitution (Legislative Council) Amendment Act, 1929.

5C. (1) Where any Bill is presented for the signification of His Majesty's pleasure under the provisions of section 5B of this Act, and the Royal Assent is given thereto, the Bill shall become an Act of Parliament, notwithstanding that the Legislative Council has not consented to the Bill, and the provisions of this section shall have effect.

(2) If the Bill has been affirmed at a joint sitting, the words of enactment shall be as follows:—

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 New South Wales at a joint sitting of the Members thereof in accordance with

with the provisions of section 5B of the Constitution Act, 1902-1929, and by the authority of the same, as follows :—

Any alteration of a Bill necessary to give effect to this subsection shall not be deemed to be an amendment of the Bill.

(3) In any other case coming within this section the words of enactment shall be as follows :—

Be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of New South Wales in Parliament assembled in accordance with the provisions of section 5B of the Constitution Act, 1902-1929, and by authority of the same, as follows :—

Any alteration of a Bill necessary to give effect to this subsection shall not be deemed to be an amendment of the Bill.

(4) If a Bill which appropriates revenue or moneys for the ordinary annual services of the Government becomes an Act under the provisions of this section, any provision in such Act dealing with any matter other than such appropriation shall be of no effect.

(5) If a Bill imposing taxation becomes an Act under the provisions of this section any provisions in such Act dealing with any matter other than the imposition of taxation shall be of no effect.

5D. Any reference in section 5A, 5B, or 5C of this Act to the imposition of taxation shall be read as including a reference to the repeal, remission, alteration, or regulation of taxation. Bills relating to taxation.

(4) The Principal Act is amended by inserting next after section fifteen the following new section :— Amendment of Act No. 32, 1902. New s. 15A.

15A. A joint sitting of the Legislative Assembly and the Legislative Council required under the provisions of this Act may be convened by the Governor by message to both Houses. Joint sittings. cf. 9 Edw. VII, c. 9, s. 58.

At

At such joint sitting the President of the Legislative Council or in his absence the Speaker of the Legislative Assembly shall preside, and until standing rules and orders governing the procedure at joint sittings have been passed by both Houses and approved by the Governor the standing rules and orders of the Legislative Council shall so far as practicable apply.

(5) The Principal Act is amended by inserting next after section thirty-eight the following new section:—

Amendment of Act No. 32, 1902.

New s. 38A.

Powers of Ministers to speak in either House.

38A. (1) Notwithstanding anything contained in this Act any Executive Councillor who is a Member of the Legislative Council or of the Legislative Assembly may at any time with the consent of the House of which he is not a Member sit in such House for the purpose only of explaining the provisions of any Bill relating to or connected with any department administered by him, and may take part in any debate or discussion therein on such Bill, but he shall not vote except in the House of which he is an elected Member.

(2) It shall not be lawful at any one time for more than one Executive Councillor under the authority of this section to sit in the House of which he is not a Member.

Sydney: Alfred James Kent, I.S.O., Government Printer—1929.

[1s. 1d.]

Legislative Council.

No. , 1929.

A BILL

To alter the constitution of the Legislative Council; to amend the Constitution Act, 1902, and certain other Acts; and for purposes connected therewith.

[Mr. Boyce ;—19 *September*, 1929.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

1. (1) This Act may be cited as the "Constitution (Further Amendment) Act, 1929," and shall be read and construed with the Constitution Act, 1902, as amended by subsequent Acts. Short title.

(2) The Constitution Act, 1902, as so amended, is in this Act referred to as the Principal Act.

(3) The Principal Act, as amended by this Act, may be cited as the Constitution Act, 1902–1929.

Amendment of Act No. 32, 1902. Sec. 3.

2. (1) The Principal Act is amended by inserting at the end of section three the following paragraph :— 5

"The appointed day" means the day appointed by the Governor in pursuance of subsection one of section 17A of this Act as the day on and from which the Legislative Council shall be reconstituted. 10

Amendment *Ibid.*

(2) The Principal Act is amended by inserting next after section seventeen the following new sections :—

New ss. 17A, 17B. Constitution of Legislative Council.

17A. (1) The Legislative Council shall, on and from a day to be appointed by the Governor and notified by proclamation published in the Gazette, be reconstituted, and shall consist of sixty elected Members. 15

(2) Such Members shall be elected at an election at which the electors shall be the Members of the Legislative Council and the Members of the Legislative Assembly voting together. 20

Any vacancy in the seat of a Member shall be filled by a like election.

(3) Elections of Members of the Legislative Council shall wherever the election is contested, and more than one seat is to be filled, be according to the principle of proportional representation, each voter having one transferable vote, and where only one seat is to be filled be according to a preferential system. 25 30

The voting at any such election shall be by secret ballot.

The elections shall be conducted at the times and in the manner provided by law. 35

Qualifications, &c.

17B. (1) Subject to the disqualifications set out in this Act any person not under the age of thirty years, whether male or female, married or unmarried—

(a) who is an elector entitled to vote at the election of Members of the Legislative Assembly, or a person entitled to become such elector; and 40

(b)

(b) who has been for three years at the least resident within the limits of the Commonwealth of Australia; and

(c) who is a natural-born or naturalized subject of the King,

shall be capable of being elected as a Member of the Legislative Council and of sitting and voting therein.

(2) No person being a Member of the Legislative Assembly shall be capable of being elected or of sitting or voting as a Member of the Legislative Council.

(3) A person who, by reason of the provisions of section twenty-six of this Act or of any amendment of that section for the time being in force, is incapable of being elected as a Member of the Legislative Assembly, shall be incapable of being elected as a Member of the Legislative Council:

Provided that at the election of Members in pursuance of section 17A of this Act for the first constitution of the Legislative Council under that section, this section shall not extend to a person who at the time of such election is a Member of the Legislative Council, and the provisions of subsection one of section fourteen shall be read subject to this proviso.

Commencement of section.

3. (1) This section shall commence upon the appointed day.

Amendment of Act No. 32, 1902.

Secs 16 & 17. Amendment.

(2) The Principal Act is amended by omitting sections sixteen and seventeen;

Ibid. New s. 17C.

(3) The Principal Act is amended by inserting next after section 17B as inserted by section two of this Act, the following new section:—

Term of service, &c.

17C. (1) Subject to this section—

(a) the term of service of a Member of the Legislative Council shall expire at the end of nine years from its commencement;

(b) one-third of the Members of the Legislative Council shall be elected every three years;

(c)

(c) the term of service of the Members elected in pursuance of section 17A of this Act for the first constitution of the Legislative Council under that section shall expire as follows:— 5

(i) in the case of the twenty who are on the count of the votes the earliest declared elected—at the end of nine years from the commencement of such term; 10

(ii) in the case of the next twenty to be so declared elected—at the end of six years from the commencement of such term;

(iii) in the case of the remaining twenty —at the end of three years from the commencement of such term. 15

(2) A Member of the Council whose term of service is about to expire shall, if not otherwise disqualified, be capable of being re-elected. 20

Casual vacancies.

(3) Where the seat of a Member becomes vacant before the expiration of his term of service the term of service of the person elected to fill such casual vacancy shall expire at the date of the expiration of the term of service of the Member whose seat he is elected to fill. 25

(4) For the purposes of this section—

(a) the term of service of a Member elected for the first constitution of the Legislative Council shall be taken to commence on the appointed day. 30

(b) the term of service of a member elected to fill a seat which becomes vacant by the expiry of the holder's term of service shall be taken to commence on such expiry. 35

Amendment of Act No. 32, 1902.

Sec. 13 (1). (Consequential.)

Sec. 14 (1). (Consequential.)

(4) The Principal Act is amended—

(a) by omitting from subsection one of section thirteen the words "summoned or";

(b) by omitting from subsection one of section fourteen the words "summoned to the said Council, 40

Council, or elected or returned as a Member to serve in the said Assembly for any electoral district, such summons or" and by inserting in lieu thereof the words "elected and returned as a Member to serve in the said Council or the said Assembly such";

(5) The Principal Act is amended by inserting next after section eighteen the following new sections:— Amendment of Act No. 32, 1902. New ss. 18A, 18B.

18A. A person who by reason of the provisions of section twenty-six of this Act or of any amendment of that section for the time being in force is incapable of sitting or voting as a Member of the Legislative Assembly shall be incapable of sitting or voting as a Member of the Legislative Council. Holders of offices of profit not capable of sitting or voting.

18B. The provisions of section twenty-seven of this Act or of any amendment of that section for the time being in force shall, mutatis mutandis, apply to Members of the Legislative Council. Effect of acceptance of office of profit.

(6) The Principal Act is amended by omitting section twenty and by inserting in lieu thereof the following section:— Amendment of Act No. 32, 1902. s. 20.

20. The law for the time being in force relating to the determination of any dispute or question respecting any election return or qualification of a Member of the Legislative Assembly, or respecting any vacancy therein shall, mutatis mutandis, and subject to any modifications and amendments enacted from time to time by the Legislature, apply to the determination of similar disputes or questions respecting the election return or qualification of a Member of the Legislative Council or respecting any vacancy therein. Determination of questions of elections, &c.

(7) The Principal Act is amended by omitting section twenty-one and by inserting in lieu thereof the following section:— Amendment of Act No. 32, 1902. s. 21.

21. (1) The Legislative Council shall, before proceeding to the despatch of any other business, choose one of their number to be President of the Legislative Council, and as often as the office of President President.

President becomes vacant the Legislative Council shall again choose one of their number to be the President.

The President shall cease to hold office if he ceases to be a member of the Legislative Council. He may be removed from office by a vote of the Legislative Council or he may resign his office by writing under his hand addressed to the Governor.

(2) Prior to or during the absence of the President the Legislative Council may choose one of their number to perform the duties of the President during his absence.

(3) The President or presiding Member may take part in any debate or discussion which may arise in the Legislative Council.

Amendment of Act No. 32, 1902, s. 22. (Casting vote.)

(8) The Principal Act is amended by inserting in subsection two of section twenty-two after the word "President" wherever occurring the words "or the presiding Member."

Consequential repeal of Act No. 1, 1926.

(9) The Constitution (Amendment) Act, 1925, is hereby repealed.

Commencement of section.

4. (1) This section shall commence upon the appointed day.

Amendment of Act No. 32, 1902. Sec. 5. (Money bills.) Vict. Constitution, s. LVI.

(2) The Principal Act is amended by inserting at the end of the proviso to section five the following words and new subsections :—

"but a Bill shall not be taken to be a Bill for appropriating any part of the public revenue or for imposing any new rate, tax, or impost by reason only that it contains provisions for the imposition or appropriation of fines or other pecuniary penalties, or for the demand or payment or appropriation of fees for licenses or fees for services.

(2) The Legislative Council may reject but may not alter a Bill for appropriating any part of the public revenue or for imposing any new rate, tax, or impost.

Power of Council to suggest alterations in certain Bills. Vict. 6 Geo, V, No. 2632, s. 33.

(3) The Legislative Council may once at each of the undermentioned stages of a Bill, which the Council may not alter, return such Bill to the Legislative Assembly, suggesting by message the omission or amendment

amendment of any items or provisions therein, and the Assembly may, if it thinks fit, make any of such omissions or amendments with or without modifications.

The Council may not suggest any omission or amendment the effect of which will be to increase any proposed charge or burden upon the people.

(4) The stages of a Bill at which the Council may return the Bill with a message as aforesaid shall be—

(a) the consideration of the Bill in Committee;

(b) the consideration of the report of the Committee; and

(c) the consideration of the question that the Bill be read a third time."

Amendment of Act No. 32, 1902.

(3) The Principal Act is amended by inserting next after section nine the following new section :—

New s. 9A.

Deadlocks.

9A. (1) If the Legislative Assembly passes any Bill, and the Legislative Council rejects or fails to pass it, or passes it with any amendment to which the Legislative Assembly does not agree, and if the Legislative Assembly in the next session again passes the Bill with or without any amendment which has been made or agreed to by the Legislative Council, and the Legislative Council rejects or fails to pass it, or passes it with any amendment to which the Legislative Assembly after a free conference between managers does not agree, the Governor may during that session convene a joint sitting of the Members of the Legislative Council and of the Legislative Assembly.

(2) The Members present at any joint sitting may deliberate and shall vote together upon the Bill as last proposed by the Legislative Assembly and upon amendments, if any, which have been made therein by one House and not agreed to by the other; and any such amendments which are affirmed by a majority of the Members voting thereon shall be taken to have been carried, and if the Bill, with amendments (if any), is affirmed by

a majority of the Members voting thereon it shall be presented to the Governor for the signification of His Majesty's pleasure thereon.

(3) If the Bill is not so affirmed, the following provisions shall apply :— 5

(a) it shall be lawful for the Legislative Assembly by resolution passed by a majority consisting of not less than one half of the total number of the Members on the roll of the said Assembly for the time being to 10 cause such Bill as finally agreed to by the said Assembly to be referred to a referendum.

If a majority of the electors voting at the referendum approve of the Bill such Bill shall be presented to the Governor for 15 the signification of His Majesty's pleasure thereon; or

(b) if not later than six months before the expiry of the Legislative Assembly by effluxion of time the Legislative Assembly 20 is dissolved by the Governor by a proclamation declaring that the dissolution has been granted in consequence of the disagreement between the two Houses respecting the Bill, and the Legislative Assembly in its next 25 session again passes the Bill with or without any amendment which has been made, suggested, or agreed to by the Council, the Bill shall, if the Legislative Council rejects or fails to pass it or passes it with any 30 amendment to which the Legislative Assembly does not agree, be presented to the Governor for the signification of His Majesty's pleasure thereon.

(4) The Legislative Council shall be taken 35 to have failed to pass a Bill if the Bill is not returned to the Legislative Assembly within two months after its transmission to the Legislative Council and the session continues during such period. 40

(5)

(5) Any Bill which is presented in pursuance of any provision of this section for the signification of His Majesty's pleasure, and to which the Royal assent is given, shall be as valid and effectual in all respects as if it had been a law made by the Legislature.

The words of enactment shall be in accordance with the mode by which the law is made.

Any alteration of a Bill necessary to give effect to this subsection shall not be deemed to be an amendment of the Bill.

(4) The Principal Act is amended by inserting next after section fifteen the following new section :— Amendment of Act No. 32, 1902. New s. 15A.

15A. A joint sitting of the Legislative Assembly and the Legislative Council required under the provisions of this Act may be convened by the Governor by message to both Houses. Joint sittings. cf. 9 Edw. VII, c. 9, s. 58.

At such joint sitting the President of the Legislative Council or in his absence the Speaker of the Legislative Assembly shall preside, and until standing rules and orders governing the procedure at joint sittings have been passed by both Houses and approved by the Governor the standing rules and orders of the Legislative Council shall so far as practicable apply.

(5) The Principal Act is amended by inserting next after section thirty-eight the following new section :— Amendment of Act No. 32, 1902. New s. 38A.

38A. (1) Notwithstanding anything contained in this Act any Executive Councillor who is a Member of the Legislative Council or of the Legislative Assembly may at any time with the consent of the House of which he is not a Member sit in such House for the purpose only of explaining the provisions of any Bill relating to or connected with any department administered by him, and may take part in any debate or discussion therein on such Bill, but he shall not vote except in the House of which he is an elected Member. Powers of Ministers to speak in either House.

(2) It shall not be lawful at any one time for more than one Executive Councillor under the authority of this section to sit in the House of which he is not a Member.

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