

Constitution Amendment (Legislative Council) Bill which has finally passed both Houses of the Legislature and is to be submitted to a referendum of the electors on the 13th May, 1933.

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.

C. H. H. CALVERT,
Clerk of the Parliaments.

*Legislative Council Chamber,
Sydney, 16th December, 1932.*

New South Wales.



ANNO VICESIMO TERTIO

GEORGII V REGIS.

Act No. , 1932.

An Act to reform the constitution and alter the powers of the Legislative Council; to reduce and limit the number of Members of the Legislative Council; to reconstitute the Legislative Council in accordance with the reformed constitution; 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, with the approval of the electors

Constitution Amendment (Legislative Council).

electors as required by the Constitution Act, 1902, as amended by subsequent Acts, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the “Constitution Amendment (Legislative Council) Act, 1932,” 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.

2. In this Act, unless the context or subject-matter otherwise indicates or requires,— Interpretation.

“The appointed day” means the day appointed by the Governor in pursuance of subsection one of section 17A of the Constitution Act, 1902, as inserted by section three of this Act, as the day on and from which the Legislative Council shall be reconstituted.

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

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. New ss. 17A, 17B, 17C, 17D, 17E.

The day appointed by the Governor in pursuance of this subsection is in this Act referred to as “the appointed day.” 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

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having one transferable vote, and where only one seat is to be filled be according to a preferential system.

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

(5) Each voter at any such election shall be required to indicate the order of his preferences for not less than the prescribed number of candidates.

In this subsection "the prescribed number" means a number equal to twice the number of seats which are to be filled at the election, and where the number of candidates is less than twice the number of seats to be filled, "the prescribed number" means the total number of candidates.

(6) The elections shall be held and conducted and the votes shall be counted and transferred as may be provided by law.

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

Qualifica-
tions, etc.

(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, or a person who on the date upon which His Majesty's Assent to the Constitution Amendment (Legislative Council) Act, 1932, is signified is a member of the Legislative Council; 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)

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(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 by virtue of service 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 the office of Vice-President of the Executive Council or 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 of a Member or Members of the Legislative Council unless he is nominated for election. Nomina-
tions.

(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 such form as may be provided 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 such manner as may be provided by law.

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

No elector shall sign more than one nomination paper 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 a nomination paper for that election.

If

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If an elector contravenes this subsection by signing more than one nomination paper he shall be liable to such penalty as may be provided 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.

In this subsection "elector" means a person who is for the time being a Member of the Legislative Council or a Member of the Legislative Assembly.

17D. (1) For the purposes of the election of the sixty Members who are to be elected in pursuance of sections 17A, 17B and 17C of this Act for the first constitution of the Legislative Council, 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, and notwithstanding the provisions of subsection five of section 17C of this Act—

Elections for
the first
constitution
of the
Legislative
Council.

- (a) each nomination paper shall be signed by two, and not more than two, electors;
- (b) no elector shall sign more than two nomination papers, but the contravention of this provision shall not of itself invalidate any nomination paper;
- (c) each elector signing a nomination paper shall certify thereon that he has not previously signed more than one nomination paper;
- (d) if an elector contravenes this subsection by signing more than two nomination papers he shall be liable to such penalty as may be provided 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.

In this subsection "elector" means a person who is for the time being a Member of the Legislative Council or a Member of the Legislative Assembly.

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

At

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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.

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.

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.

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.

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

(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.

(2) The Principal Act is amended by inserting after subsection six of section 7A the following new subsection:—

Sec. 7A.

(7) In any case in relation to which the expression "as may be provided by law" is used in the Constitution Amendment (Legislative Council) Act, 1932, the law may be made as if this section were not in force, and may be so made at any time either before or after the appointed day.

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

Commencement of section.

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

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

(3) The Principal Act is amended by inserting next after section 17E as inserted by section three 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 six 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, etc.

(2)

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(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) An election to fill the seats of Members of the Council whose terms of service are about to expire shall be held during the period of six months immediately preceding the date of the expiration of such terms of service.

(6) 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.

(7) 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)

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(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 by omitting from subsection one of section thirteen the words "summoned or."

Amendment of Act No. 32, 1902. Sec. 13 (1). (Consequential.)

(5) The Principal Act is amended 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."

Amendment of Act No. 32, 1902, s. 14 (1). (Consequential.)

(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 such modifications, amendments, and additions as may be provided by law, apply to the determination of similar disputes or questions respecting the election, return, or qualification of a Member of the Legislative Council as reconstituted in pursuance of section 17A of this Act, or respecting any vacancy in the Legislative Council as so reconstituted.

Determination of questions of elections, etc.

(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.

Constitution Amendment (Legislative Council).

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

The proceedings of the Legislative Council in choosing the President shall be conducted in such manner as may be provided by law.

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.

(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."

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

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

Consequential repeal of Act No. 1, 1926.

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

Commencement of section.

(2) 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. (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 to 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

Disagreement between the two Houses—Appropriation for annual services.

Constitution Amendment (Legislative Council).

Majesty's pleasure thereon, and shall become an Act of the Legislature upon the Royal Assent being signified thereto, notwithstanding that the Legislative Council has not consented to the Bill.

(2) 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.

(3) 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.

5B. (1) If the Legislative Assembly passes any Bill other than a Bill to which section 5A of this Act 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 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 does not agree, and if after a free conference between managers there is not agreement between the Legislative Council and the Legislative Assembly, the Governor may convene a joint sitting of the Members of the Legislative Council and the Members 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 any amendments made by the Legislative Council with which the Legislative Assembly does not agree.

No vote shall be taken at the joint sitting.

(2)

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(2) After the joint sitting and either after any further communication with the Legislative Council in order to bring about agreement, if possible, between the Legislative Council and the Legislative Assembly, or without any such communication the Legislative Assembly may by resolution direct that the Bill as last proposed by the Legislative Assembly and either with or without any amendment subsequently agreed to by the Legislative Council and the Legislative Assembly, shall, at any time during the life of the Parliament or at the next general election of Members of the Legislative Assembly, be submitted by way of referendum to the electors qualified to vote for the election of Members of the Legislative Assembly.

The referendum shall be held and conducted as may be provided by law, and if, at any time no such law exists, the law for the time being in force relating to the holding and conduct of a general election of Members of the Legislative Assembly shall, mutatis mutandis, apply to and in respect of the holding and conduct of the referendum, with such modifications, omissions, and additions as the Governor may by notification published in the Gazette declare to be necessary or convenient for the purposes of such application.

(3) If at the referendum a majority of the electors voting approve the Bill it shall be presented to the Governor for the signification of His Majesty's pleasure thereon and become an Act of the Legislature upon the Royal Assent being signified thereto, notwithstanding that the Legislative Council has not consented to the Bill.

(4) For the purposes of this section the Legislative Council shall be taken 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.

(5) This section shall extend to any Bill whether it is a Bill to which section 7A of this Act applies or not. And

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And in the application of this section to a Bill to which section 7A of this Act applies—

- (a) the submission of the Bill to the electors by way of referendum in accordance with this section shall be a sufficient compliance with the provisions of section 7A of this Act which require the Bill to be submitted to the electors;
- (b) the referendum under this section shall, notwithstanding anything contained in section 7A of this Act, be held upon a day which shall be appointed by the Governor in such manner as may be provided by law; and
- (c) the day so appointed shall, notwithstanding anything contained in subsection two of this section, be a day during the life of the Parliament and not sooner than two months after the Legislative Assembly has passed a resolution in accordance with that subsection for the purposes of such referendum.

(6) A joint sitting of the Members of the Legislative Council and the Members of the Legislative Assembly for the purposes of this section may be convened by the Governor by message to both Houses of the Parliament.

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.

5c. (1) Where a Bill is presented to the Governor for the signification of His Majesty's pleasure in accordance with section 5A of this Act, 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

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provisions of section 5A of the Constitution Act, 1902, as amended by subsequent Acts, 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.

(2) Where a Bill is presented to the Governor for the signification of His Majesty's pleasure in accordance with section 5B of this Act, 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, with the approval of the electors, in accordance with the provisions of section 5B of the Constitution Act, 1902, as amended by subsequent Acts, 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) The Principal Act is amended by inserting in Part IV 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 Assembly may at any time, with the consent of the Legislative Council, sit in the Legislative Council 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 in the Legislative Council on such Bill, but he shall not vote in the Legislative Council.

Powers of Ministers to speak in Legislative Council.

(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 Legislative Council.

(4)

Constitution Amendment (Legislative Council).

(4) The Principal Act is amended—

(a) by omitting from subsection six of section 7A all words following the words “but shall not apply to any Bill for ” and by inserting in lieu thereof the following words:—

Amendment
of Act No
32, 1902.
Sec. 7A.

“ (a) the repeal; or

(b) the amendment from time to time; or

(c) the re-enactment from time to time with or without modifications

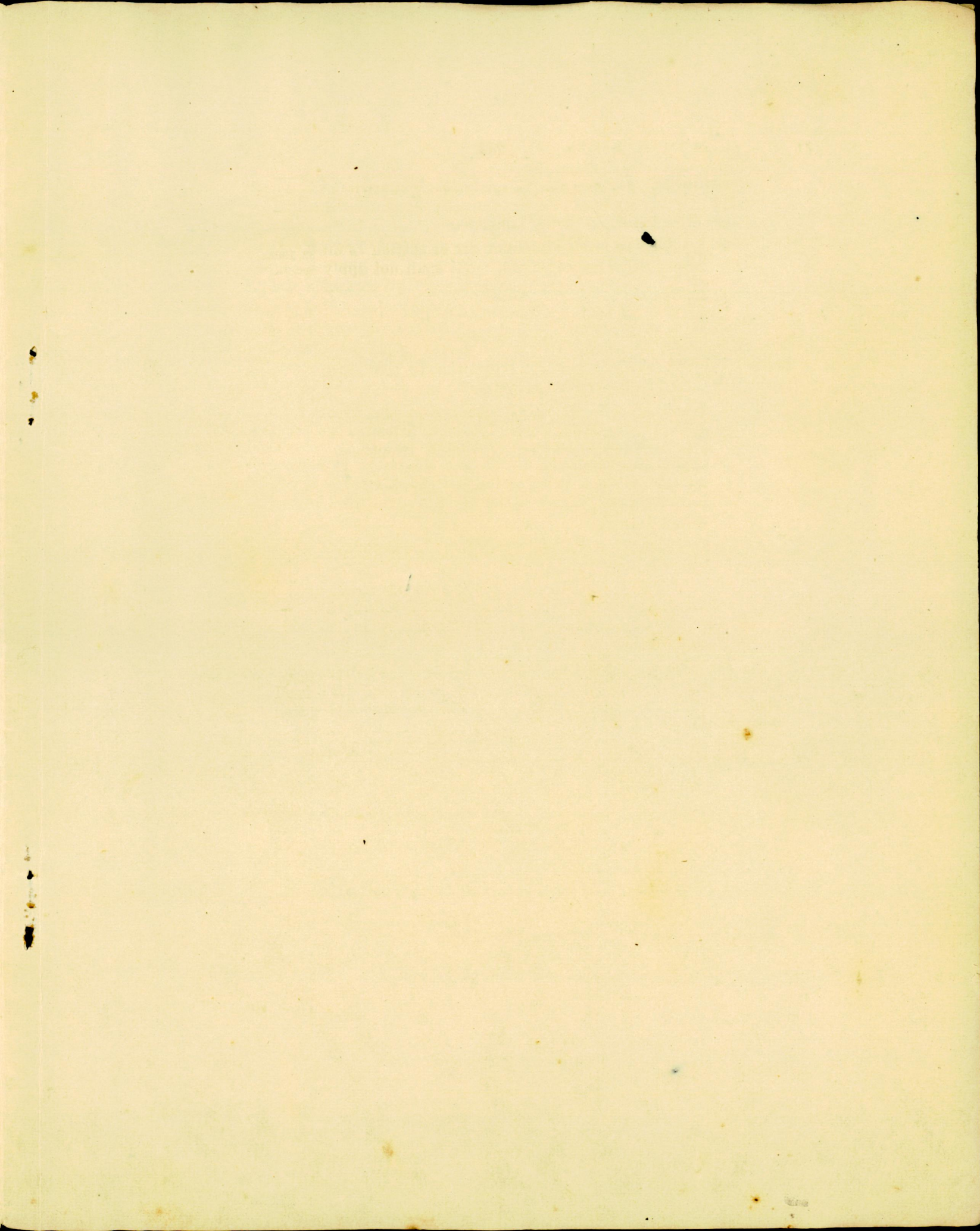
of any of the following sections of this Act, namely, sections thirteen, fourteen, fifteen, 17B, 17c, eighteen, nineteen, twenty, twenty-one, twenty-two and 38A, or of any provision for the time being in force so far as it relates to the subject-matter dealt with in any of those sections ”;

(b) by inserting at the end of section 7A the following new subsection:—

(8) In this section a reference to the Legislative Council shall be construed as a reference to the Legislative Council as reconstituted in accordance with this Act.

6. The Standing Rules and Orders of the Legislative Council in force immediately before the appointed day shall, to the extent to which they are not inconsistent with the provisions of the Principal Act, as amended by this Act, continue in force until amended or repealed in accordance with section fifteen of the Principal Act.

Saving of
Standing
Rules and
Orders.



CONSTITUTION AMENDMENT (LEGISLATIVE COUNCIL) BILL, 1932.

SCHEDULE of the Legislative Assembly's Amendments.

- Page 4, clause 3, line 14. *After* "accepts" *insert* **"the office of Vice-President of the Executive Council or"**
- Page 8, clause 4. *After* subsection (4) *insert* new subsection (5)
- Page 8, clause 4, lines 23-28. *Omit* "subject to any modifications and amendments enacted from time to time by or under any Act, 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" *insert* **"subject to such modifications, amendments, and additions as may be provided by law, apply to the determination of similar disputes or questions respecting the election, return, or qualification of a Member of the Legislative Council as reconstituted in pursuance of section 17^A of this Act, or respecting any vacancy in the Legislative Council as so reconstituted."**
- Page 11, clause 5, line 1. *After* "sitting" *insert* **"and either after any further communication with the Legislative Council in order to bring about agreement, if possible, between the Legislative Council and the Legislative Assembly, or without any such communication"**
- Page 11, clause 5, line 16. *After* "law" *insert* **"and if, at any time no such law exists, the law for the time being in force relating to the holding and conduct of a general election of Members of the Legislative Assembly shall, mutatis mutandis, apply to and in respect of the holding and conduct of the referendum, with such modifications, omissions, and additions as the Governor may by notification published in the Gazette declare to be necessary or convenient for the purposes of such application."**
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COMMITTEE ON AMERICANIZATION

REPORT OF THE COMMITTEE ON AMERICANIZATION
ON THE PROGRESS OF THE AMERICANIZATION OF THE
IMMIGRANTS IN THE UNITED STATES
FOR THE YEAR 1914

The Committee on Americanization, created by the
Department of Education in 1907, has the honor to
submit to you its report for the year 1914. It is
pleased to note that the work of the Committee has
continued to be of a most successful character,
and that the progress of the Americanization of
the immigrants has been most gratifying. The
Committee has been particularly pleased to note
the progress of the work in the various States,
and the success of the work in the various
cities. It is pleased to note that the work
of the Committee has been of a most successful
character, and that the progress of the
Americanization of the immigrants has been
most gratifying. The Committee has been
particularly pleased to note the progress of
the work in the various States, and the
success of the work in the various cities.

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.

C. H. H. CALVERT,
Clerk of the Parliaments.

*Legislative Council Chamber,
Sydney, 29th September, 1932.*

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

W. R. McCOURT,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 16 December, 1932.*

New South Wales.



ANNO VICESIMO TERTIO

GEORGII V REGIS.

Act No. , 1932.

An Act to reform the constitution and alter the powers of the Legislative Council; to reduce and limit the number of Members of the Legislative Council; to reconstitute the Legislative Council in accordance with the reformed constitution; 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, with the approval of the electors

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

Constitution Amendment (Legislative Council).

electors as required by the Constitution Act, 1902, as amended by subsequent Acts, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the “Constitution Amendment (Legislative Council) Act, 1932,” and shall be read and construed with the Constitution Act, 1902, as amended by subsequent Acts.

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

2. In this Act, unless the context or subject-matter otherwise indicates or requires,—

“The appointed day” means the day appointed by the Governor in pursuance of subsection one of section 17A of the Constitution Act, 1902, as inserted by section three of this Act, as the day on and from which the Legislative Council shall be reconstituted.

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

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.

The day appointed by the Governor in pursuance of this subsection is in this Act referred to as “the appointed day.”

(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

Short title.

Interpretation.

Amendment of Act No. 32, 1902.

New ss. 17A, 17B, 17C, 17D, 17E.

Constitution of Legislative Council.

Constitution Amendment (Legislative Council).

having one transferable vote, and where only one seat is to be filled be according to a preferential system.

5 (4) The voting at any such election shall be by secret ballot.

(5) Each voter at any such election shall be required to indicate the order of his preferences for not less than the prescribed number of candidates.

10 In this subsection "the prescribed number" means a number equal to twice the number of seats which are to be filled at the election, and where the number of candidates is less than twice the number of seats to be filled, "the prescribed number" means the total
15 number of candidates.

(6) The elections shall be held and conducted and the votes shall be counted and transferred as may be provided by law.

20 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, or
25 a person who on the date upon which His Majesty's Assent to the Constitution Amendment (Legislative Council) Act, 1932, is signified is a member of the Legislative Council; and

30 (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,
35 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
40 elected or of sitting or voting as a Member of the Legislative Council.

(3)

Constitution Amendment (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 by virtue of service 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 **the office of Vice-President of the Executive Council** or 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 of a Member or Members of the Legislative Council 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 such form as may be provided 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 such manner as may be provided by law.

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

No elector shall sign more than one nomination paper 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 a nomination paper for that election.

If

Constitution Amendment (Legislative Council).

If an elector contravenes this subsection by signing more than one nomination paper he shall be liable to such penalty as may be provided 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.

In this subsection "elector" means a person who is for the time being a Member of the Legislative Council or a Member of the Legislative Assembly.

17D. (1) For the purposes of the election of the sixty Members who are to be elected in pursuance of sections 17A, 17B and 17C of this Act for the first constitution of the Legislative Council, 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, and notwithstanding the provisions of subsection five of section 17C of this Act—

Elections for the first constitution of the Legislative Council.

(a) each nomination paper shall be signed by two, and not more than two, electors;

(b) no elector shall sign more than two nomination papers, but the contravention of this provision shall not of itself invalidate any nomination paper;

(c) each elector signing a nomination paper shall certify thereon that he has not previously signed more than one nomination paper;

(d) if an elector contravenes this subsection by signing more than two nomination papers he shall be liable to such penalty as may be provided 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.

In this subsection "elector" means a person who is for the time being a Member of the Legislative Council or a Member of the Legislative Assembly.

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

Constitution Amendment (Legislative Council).

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 were candidates at the second election and were not declared elected at that election.

10 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.

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

(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.

(2) The Principal Act is amended by inserting after subsection six of section 7A the following new subsection:— Sec. 7A.

25 (7) In any case in relation to which the expression "as may be provided by law" is used in the Constitution Amendment (Legislative Council) Act, 1932, the law may be made as if this section were not in force, and may be so made at any time either before or after the appointed day.

30 4. (1) This section shall commence upon the appointed day. Commencement of section.

(2) The Principal Act is amended by omitting sections sixteen and seventeen. Amendment of Act No. 32, 1902, ss. 16, 17.

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

40 17F. (1) Subject to the provisions of subsections three and six 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, etc.

(2)

Constitution Amendment (Legislative Council).

(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:—

5

(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;

10

(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;

15

(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;

20

(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.

25

(5) An election to fill the seats of Members of the Council whose terms of service are about to expire shall be held during the period of six months immediately preceding the date of the expiration of such terms of service.

30

(6) 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 vacancies shall expire at the date of the expiration of the term of service of the Member whose seat he is elected to fill.

35

(7) 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;

40

(b)

Constitution Amendment (Legislative Council).

(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.

5 (4) The Principal Act is amended by omitting from subsection one of section thirteen the words "summoned or."

Amendment of Act No. 32, 1902. Sec. 13 (1). (Consequential.)

10 (5) The Principal Act is amended 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."

Amendment of Act No. 32, 1902, s. 14 (1) (Consequential.)

15 (5) (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 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 or under any Act,
25 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 subject to such modifications, amendments, and additions as may be provided
30 by law, apply to the determination of similar disputes or questions respecting the election, return, or qualification of a Member of the Legislative Council as reconstituted in pursuance of section 17A of this Act, or respecting any vacancy in the Legislative Council as so reconstituted.

Determination of questions of elections, etc.

35 (6) (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

President.

01 Constitution Amendment (Legislative Council).

choose one of their number to be President of the Legislative Council, and as often as the office of President becomes vacant the Legislative Council shall again choose one of their number to be the President.

5

The proceedings of the Legislative Council in choosing the President shall be conducted in such manner as may be provided by law.

10

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.

15

(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.

20

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

25

(7 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."

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

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

Consequential repeal of Act No. 1, 1926. Commencement of section.

30

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

(2) 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.

35

5A. (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 to 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

Disagreement between the two Houses—Appropriation for annual services.

40

Constitution Amendment (Legislative Council).

Majesty's pleasure thereon, and shall become an Act of the Legislature upon the Royal Assent being signified thereto, notwithstanding that the Legislative Council has not consented to the Bill.

5 (2) 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.

10 (3) 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
15 be of no effect.

20 5B. (1) If the Legislative Assembly passes any Bill other than a Bill to which section 5A of this Act 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 again passes the Bill with or without any amendment which has been made or agreed to by the Legislative
25 Council, 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 a free conference between managers there is not agreement between the Legislative Council and the
30 Legislative Assembly, the Governor may convene a joint sitting of the Members of the Legislative Council and the Members of the Legislative Assembly.

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

No vote shall be taken at the joint sitting.

(2)

Constitution Amendment (Legislative Council).

5 (2) After the joint sitting **and either after any further communication with the Legislative Council in order to bring about agreement, if possible, between the Legislative Council and the Legislative Assembly, or without any such communication** the Legislative Assembly may by resolution direct that the Bill as last proposed by the Legislative Assembly and either with or without any amendment subsequently agreed to by the Legislative Council and the Legislative Assembly, shall, at any time during the life of the Parliament or at the next general election of Members of the Legislative Assembly, be submitted by way of referendum to the electors qualified to vote for the election of Members of the Legislative Assembly.

10
15 The referendum shall be held and conducted as may be provided by law, **and if, at any time no such law exists, the law for the time being in force relating to the holding and conduct of a general election of Members of the Legislative Assembly shall, mutatis mutandis, apply to and in respect of the holding and conduct of the referendum, with such modifications, omissions, and additions as the Governor may by notification published in the Gazette declare to be necessary or convenient for the purposes of such application.**

20
25 (3) If at the referendum a majority of the electors voting approve the Bill it shall be presented to the Governor for the signification of His Majesty's pleasure thereon and become an Act of the Legislature upon the Royal Assent being signified thereto, notwithstanding that the Legislative Council has not consented to the Bill.

30
35 (4) For the purposes of this section the Legislative Council shall be taken 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) This section shall extend to any Bill whether it is a Bill to which section 7A of this Act applies or not.

And

11
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Constitution Amendment (Legislative Council).

And in the application of this section to a Bill to which section 7A of this Act applies—

5

(a) the submission of the Bill to the electors by way of referendum in accordance with this section shall be a sufficient compliance with the provisions of section 7A of this Act which require the Bill to be submitted to the electors;

10

(b) the referendum under this section shall, notwithstanding anything contained in section 7A of this Act, be held upon a day which shall be appointed by the Governor in such manner as may be provided by law; and

15

(c) the day so appointed shall, notwithstanding anything contained in subsection two of this section, be a day during the life of the Parliament and not sooner than two months after the Legislative Assembly has passed a resolution in accordance with that subsection for the purposes of such referendum.

20

(6) A joint sitting of the Members of the Legislative Council and the Members of the Legislative Assembly for the purposes of this section may be convened by the Governor by message to both Houses of the Parliament.

25

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.

30

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5c. (1) Where a Bill is presented to the Governor for the signification of His Majesty's pleasure in accordance with section 5A of this Act, the words of enactment shall be as follows:—

Words of enactment.

40

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

Constitution Amendment (Legislative Council).

provisions of section 5A of the Constitution Act, 1902, as amended by subsequent Acts, and by the authority of the same, as follows:—

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

10 (2) Where a Bill is presented to the Governor for the signification of His Majesty's pleasure in accordance with section 5B of this Act, the words of enactment shall be as follows:—

15 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, with the approval of the electors, in accordance with the provisions of section 5B of the Constitution Act, 1902, as amended by subsequent Acts, and by the authority of the same, as follows:—

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

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

25 38A. (1) Notwithstanding anything contained in this Act, any executive councillor who is a Member of the Legislative Assembly may at any time, with the consent of the Legislative Council, sit in the Legislative Council 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 in the Legislative Council on such Bill, but he shall not vote in the Legislative Council.

Amendment of Act No. 32, 1902.
New s. 38A.

Powers of Ministers to speak in Legislative Council.

35 (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 Legislative Council.

Constitution Amendment (Legislative Council).

(4) The Principal Act is amended—

Amendment
of Act No.
32, 1902.
Sec. 7A.

5 (a) by omitting from subsection six of section 7A all words following the words "but shall not apply to any Bill for " and by inserting in lieu thereof the following words:—

- “ (a) the repeal; or
- (b) the amendment from time to time; or
- (c) the re-enactment from time to time with or without modifications

10 of any of the following sections of this Act, namely, sections thirteen, fourteen, fifteen, 17B, 17c, eighteen, nineteen, twenty, twenty-one, twenty-two and 38A, or of any provision for the time being in force so far as it relates to the subject-matter dealt with in any of those sections ”;

15 (b) by inserting at the end of section 7A the following new subsection:—

20 (8) In this section a reference to the Legislative Council shall be construed as a reference to the Legislative Council as reconstituted in accordance with this Act.

25 **6.** The Standing Rules and Orders of the Legislative Council in force immediately before the appointed day shall, to the extent to which they are not inconsistent with the provisions of the Principal Act, as amended by this Act, continue in force until amended or repealed in accordance with section fifteen of the Principal Act.

Saving of
Standing
Rules and
Orders.

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This Bill is intended to be introduced in the Legislative Council, and
having this day passed, is now ready for presentation to the LEGISLATIVE
Assembly for its consideration.

C. H. H. GAYBERT,

Secretary of the Government.

In witness whereof, I have hereunto set my hand and the seal of the
Government at the City of Sydney, this 10th day of August, 1905.

The Lieutenant-Governor, in and for the Colony of New South Wales,
has caused this Bill to be printed and bound in the following form:

W. H. M. COOPER,

Printer and Stationer to the Government.

Bill introduced in the Legislative Council, and having this day passed,
is now ready for presentation to the Legislative Assembly for its
consideration. The Bill is intended to be introduced in the
Legislative Council, and having this day passed, is now ready for
presentation to the Legislative Assembly for its consideration.

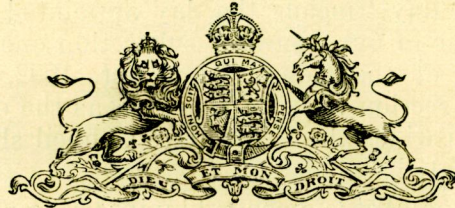
Printed and bound in the following form:—The words to be printed are
printed in black letters.

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.

C. H. H. CALVERT,
Clerk of the Parliaments.

*Legislative Council Chamber,
Sydney, 29th September, 1932.*

New South Wales.



ANNO VICESIMO TERTIO

GEORGI V REGIS.

Act No. , 1932.

An Act to reform the constitution and alter the powers of the Legislative Council; to reduce and limit the number of Members of the Legislative Council; to reconstitute the Legislative Council in accordance with the reformed constitution; 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, with the approval of the electors

Constitution Amendment (Legislative Council).

electors as required by the Constitution Act, 1902, as amended by subsequent Acts, and by the authority of the same, as follows:—

5 **1.** (1) This Act may be cited as the “ Constitution Short title. Amendment (Legislative Council) Act, 1932,” and shall be read and construed with the Constitution Act, 1902, as amended by subsequent Acts.

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

10 **2.** In this Act, unless the context or subject-matter Interpreta- otherwise indicates or requires,— tion.

15 “The appointed day” means the day appointed by the Governor in pursuance of subsection one of section 17A of the Constitution Act, 1902, as inserted by section three of this Act, as the day on and from which the Legislative Council shall be reconstituted.

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

20 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 Constitu- members. tion of Legislative Council.

25 The day appointed by the Governor in pursuance of this subsection is in this Act referred to as “the appointed day.”

30 (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.

35 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

Constitution Amendment (Legislative Council).

having one transferable vote, and where only one seat is to be filled be according to a preferential system.

5 (4) The voting at any such election shall be by secret ballot.

(5) Each voter at any such election shall be required to indicate the order of his preferences for not less than the prescribed number of candidates.

10 In this subsection "the prescribed number" means a number equal to twice the number of seats which are to be filled at the election, and where the number of candidates is less than twice the number of seats to be filled, "the prescribed number" means the total number of candidates.

15 (6) The elections shall be held and conducted and the votes shall be counted and transferred as may be provided by law.

20 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, or a person who on the date upon which His Majesty's Assent to the Constitution Amendment (Legislative Council) Act, 1932, is signified is a member of the Legislative Council; and

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

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

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

40 (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)

Constitution Amendment (Legislative Council).

5 (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—

10 (a) any person in receipt only of pay, half-pay, or a pension by virtue of service in any of His Majesty's defence forces or who accepts any office of profit in any of His Majesty's defence forces; or

15 (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.

20 17c. (1) A person shall not be a candidate at any election of a Member or Members of the Legislative Council unless he is nominated for election. Nomina-
tions.

25 (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 such form as may be provided by law.

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

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

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

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

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

If

Constitution Amendment (Legislative Council).

5 If an elector contravenes this subsection by signing more than one nomination paper he shall be liable to such penalty as may be provided 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.

10 In this subsection " elector " means a person who is for the time being a Member of the Legislative Council or a Member of the Legislative Assembly.

15 17D. (1) For the purposes of the election of the sixty Members who are to be elected in pursuance of sections 17A, 17B and 17C of this Act for the first constitution of the Legislative Council, 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, and notwithstanding the provisions of subsection five of section 17C of this Act—

Elections for the first constitution of the Legislative Council.

20 (a) each nomination paper shall be signed by two, and not more than two, electors;

(b) no elector shall sign more than two nomination papers, but the contravention of this provision shall not of itself invalidate any nomination paper;

25 (c) each elector signing a nomination paper shall certify thereon that he has not previously signed more than one nomination paper;

30 (d) if an elector contravenes this subsection by signing more than two nomination papers he shall be liable to such penalty as may be provided 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.

35 In this subsection " elector " means a person who is for the time being a Member of the Legislative Council or a Member of the Legislative Assembly.

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

Constitution Amendment (Legislative Council).

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 were candidates at the second election and were not declared elected at that election.

10 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.

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

(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.

(2) The Principal Act is amended by inserting after subsection six of section 7A the following new subsection:— Sec. 7A.

25 (7) In any case in relation to which the expression "as may be provided by law" is used in the Constitution Amendment (Legislative Council) Act, 1932, the law may be made as if this section were not in force, and may be so made at any time either before or after the appointed day.

30 4. (1) This section shall commence upon the appointed day. Commencement of section.

(2) The Principal Act is amended by omitting sections sixteen and seventeen. Amendment of Act No. 32, 1902, ss. 16, 17.

35 (3) The Principal Act is amended by inserting next after section 17E as inserted by section three 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 six 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, etc.

(2)

Constitution Amendment (Legislative Council).

(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:—

- 5 (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;
- 10 (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;
- 15 (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;
- 20 (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.

25 (5) An election to fill the seats of Members of the Council whose terms of service are about to expire shall be held during the period of six months immediately preceding the date of the expiration of such terms of service.

30 (6) 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 vacancies shall expire at the date of the expiration of the term of service of the Member whose seat he is elected to fill.

35 (7) 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;

40

(b).

Constitution Amendment (Legislative Council).

(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.

5 (4) The Principal Act is amended by omitting from subsection one of section thirteen the words "summoned or."

Amendment of Act No. 32, 1902.

Sec. 13 (1).
(Consequential.)

10 (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.

15 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 or under any Act, apply to the determination of similar disputes or questions respecting the election return or qualification of a
20 Member of the Legislative Council or respecting any vacancy therein.

Determination of questions of elections, etc.

(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.

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

President.

The proceedings of the Legislative Council in choosing the President shall be conducted in such manner as may be provided by law.

35 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)

Constitution Amendment (Legislative Council).

(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.

5 (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
10 "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.

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

Commencement of section.

(2) 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. (1) If the Legislative Assembly passes any Bill appropriating revenue or moneys for the ordinary
20 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 to which the Legislative
25 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, and shall become an Act
30 of the Legislature upon the Royal Assent being signified thereto, notwithstanding that the Legislative Council has not consented to the Bill.

Disagreement between the two Houses—Appropriation for annual services.

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

(3) If a Bill which appropriates revenue or moneys for the ordinary annual services of the
Government

Constitution Amendment (Legislative Council).

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 5B. (1) If the Legislative Assembly passes any Bill other than a Bill to which section 5A of this Act 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 10 an interval of three months the Legislative Assembly in the same Session or 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 15 to pass it or passes it with any amendment to which the Legislative Assembly does not agree, and if after a free conference between managers there is not agreement between the Legislative Council and the Legislative Assembly, the Governor may convene a 20 joint sitting of the Members of the Legislative Council and the Members of the Legislative Assembly.
- The Members present at the joint sitting may deliberate upon the Bill as last proposed by the 25 Legislative Assembly and upon any amendments made by the Legislative Council with which the Legislative Assembly does not agree.
- No vote shall be taken at the joint sitting.
- 30 (2) After the joint sitting the Legislative Assembly may by resolution direct that the Bill as last proposed by the Legislative Assembly and either with or without any amendment subsequently agreed to by the Legislative Council and the Legisla- 35 tive Assembly, shall, at any time during the life of the Parliament or at the next general election of Members of the Legislative Assembly, be submitted by way of referendum to the electors qualified to vote for the election of Members of the Legislative Assembly.
- 40 The referendum shall be held and conducted as may be provided by law.

Disagree-
ments—
Referendum.

(3).

Constitution Amendment (Legislative Council).

5 (3) If at the referendum a majority of the electors voting approve the Bill it shall be presented to the Governor for the signification of His Majesty's pleasure thereon and become an Act of the Legislature upon the Royal Assent being signified thereto, notwithstanding that the Legislative Council has not consented to the Bill.

10 (4) For the purposes of this section the Legislative Council shall be taken 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.

15 (5) This section shall extend to any Bill whether it is a Bill to which section 7A of this Act applies or not.

And in the application of this section to a Bill to which section 7A of this Act applies—

20 (a) the submission of the Bill to the electors by way of referendum in accordance with this section shall be a sufficient compliance with the provisions of section 7A of this Act which require the Bill to be submitted to the electors;

25 (b) the referendum under this section shall, notwithstanding anything contained in section 7A of this Act, be held upon a day which shall be appointed by the Governor in such manner as may be provided by law; and

30 (c) the day so appointed shall, notwithstanding anything contained in subsection two of this section, be a day during the life of the Parliament and not sooner than two months after the Legislative Assembly has passed a resolution in accordance with that subsection for the purposes of such referendum.

35 (6) A joint sitting of the Members of the Legislative Council and the Members of the Legislative Assembly for the purposes of this section may be convened by the Governor by message to both
40 Houses of the Parliament.

At

Constitution Amendment (Legislative Council).

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.

5c. (1) Where a Bill is presented to the Governor for the signification of His Majesty's pleasure in accordance with section 5A of this Act, 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 5A of the Constitution Act, 1902, as amended by subsequent Acts, 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.

(2) Where a Bill is presented to the Governor for the signification of His Majesty's pleasure in accordance with section 5B of this Act, 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, with the approval of the electors, in accordance with the provisions of section 5B of the Constitution Act, 1902, as amended by subsequent Acts, 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)

Constitution Amendment (Legislative Council).

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

Amendment of Act No. 32, 1902.
New s. 38A.

5 38A. (1) Notwithstanding anything contained in this Act, any executive councillor who is a Member of the Legislative Assembly may at any time, with the consent of the Legislative Council, sit in the Legislative Council 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 in the Legislative Council on such Bill, but he shall not vote in the Legislative Council.

Powers of Ministers to speak in Legislative Council.

10 (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 Legislative Council.

15 (4) The Principal Act is amended—

20 (a) by omitting from subsection six of section 7A all words following the words "but shall not apply to any Bill for " and by inserting in lieu thereof the following words:—

Amendment of Act No. 32, 1902.
Sec. 7A.

25 " (a) the repeal; or
(b) the amendment from time to time; or
(c) the re-enactment from time to time with or without modifications

30 of any of the following sections of this Act, namely, sections thirteen, fourteen, fifteen, 17B, 17c, eighteen, nineteen, twenty, twenty-one, twenty-two and 38A, or of any provision for the time being in force so far as it relates to the subject-matter dealt with in any of those sections ";

35 (b) by inserting at the end of section 7A the following new subsection:—

(8) In this section a reference to the Legislative Council shall be construed as a reference to the Legislative Council as reconstituted in accordance with this Act.

Constitution Amendment (Legislative Council).

6. The Standing Rules and Orders of the Legislative Council in force immediately before the appointed day shall, to the extent to which they are not inconsistent with the provisions of the Principal Act, as amended by **5** this Act, continue in force until amended or repealed in accordance with section fifteen of the Principal Act.

Saving of
Standing
Rules and
Orders.

Sydney: Alfred James Kent, I.S.O., Government Printer—1932.

[1s. 1d.]

No. , 1932.

A BILL

To reform the constitution and alter the powers of the Legislative Council; to reduce and limit the number of Members of the Legislative Council; to reconstitute the Legislative Council in accordance with the reformed constitution; to amend the Constitution Act, 1902, and certain other Acts; and for purposes connected therewith.

[MR. MANNING ;—13 *September*, 1932.]

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, with the approval of the

electors as required by the Constitution Act, 1902, as amended by subsequent Acts, and by the authority of the same, as follows:—

Short title.

1. (1) This Act may be cited as the "Constitution Amendment (Legislative Council) Act, 1932," and shall be read and construed with the Constitution Act, 1902, as amended by subsequent Acts. 5

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

Interpretation.

2. In this Act, unless the context or subject-matter otherwise indicates or requires,—

"The appointed day" means the day appointed by the Governor in pursuance of subsection one of section 17A of the Constitution Act, 1902, as inserted by section three of this Act, as the day on and from which the Legislative Council shall be reconstituted. 15

Amendment of Act No. 32, 1902.

New ss. 17A, 17B, 17C, 17D, 17E.

Constitution of Legislative Council.

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

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. 20

The day appointed by the Governor in pursuance of this subsection is in this Act referred to as "the appointed day." 25

(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. 30

Any vacancy in the seat of a Member shall be filled by a like election. 35

(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

having one transferable vote, and where only one seat is to be filled be according to a preferential system.

5 (4) The voting at any such election shall be by secret ballot.

(5) Each voter at any such election shall be required to indicate the order of his preferences for not less than the prescribed number of candidates.

10 In this subsection "the prescribed number" means a number equal to twice the number of seats which are to be filled at the election, and where the number of candidates is less than twice the number of seats to be filled, "the prescribed number" means the total
15 number of candidates.

(6) The elections shall be held and conducted and the votes shall be counted and transferred as may be provided by law.

20 17B. (1) Subject to the disqualifications set out in this Act any person whether male or female, married or unmarried—

- 25 (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,

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

35 (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

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.

Nomina-
tions.

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

(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 such form as may be provided 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 such manner as may be provided by law.

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

No elector shall sign more than one nomination paper 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 a nomination paper for that election.

If an elector contravenes this subsection by signing more than one nomination paper he shall be liable to such penalty as may be provided by law, and shall be

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.

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17D. (1) For the purposes of the election of the sixty Members who are to be elected in pursuance of sections 17A, 17B and 17C of this Act for the first constitution of the Legislative Council, 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, and notwithstanding the provisions of subsection five of section 17C of this Act—

Elections for the first constitution of the Legislative Council.

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- (a) each nomination paper shall be signed by two, and not more than two, electors;
- (b) no elector shall sign more than two nomination papers, but the contravention of this provision shall not of itself invalidate any nomination paper;
- (c) each elector signing a nomination paper shall certify thereon that he has not previously signed more than one nomination paper;
- (d) if an elector contravenes this subsection by signing more than two nomination papers he shall be liable to such penalty as may be provided 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.

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

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.

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.

At

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. 5

(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. 10

Sec. 7A.

(2) The Principal Act is amended by inserting after subsection six of section 7A the following new subsection:—

(7) In any case in relation to which the expression “as may be provided by law” is used in the Constitution Amendment (Legislative Council) Act, 1932, the law may be made as if this section were not in force, and may be so made at any time either before or after the appointed day. 15 20

Commencement of section.

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

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

(2) The Principal Act is amended by omitting sections sixteen and seventeen. 25

Amendment of Act No. 32, 1902. New s. 17F.

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

Term of service, etc.

17F. (1) Subject to the provisions of subsections three and six 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. 30

(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:— 35

(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; 40

(b)

- (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;
- 5 (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;
- 10 (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.

15 (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.

20 (5) An election to fill the seats of Members of the Council whose terms of service are about to expire shall be held during the period of six months immediately preceding the date of the expiration of such terms of service.

25 (6) 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.

- 30 (7) 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.
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(4) The Principal Act is amended by omitting from subsection one of section thirteen the words "summoned or."

Amendment of Act No. 32, 1902. Sec. 13 (1). (Consequential.)

(5)

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

Determination of questions of elections, etc.

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 or under any Act, 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. 5 10

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

President.

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 becomes vacant the Legislative Council shall again choose one of their number to be the President. 20

The proceedings of the Legislative Council in choosing the President shall be conducted in such manner as may be provided by law. 25

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. 30

(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. 35

(3) The President or presiding Member may take part in any debate or discussion which may arise in the Legislative Council. (4)

(7).

(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.

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

Commencement of section.

(2) The Principal Act is amended by inserting next 10 after section five the following new sections:—

Amendment of Act No. 32, 1902.

New ss. 5A, 5B, 5C.

15 5A. (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 to 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, and shall become an Act of the Legislature upon the Royal Assent being signified thereto, notwithstanding that the Legislative Council has not consented to the Bill.

Disagreement between the two Houses—Appropriation for annual services.

20 (2) 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.

30 (3) 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.

35 5B. (1) If the Legislative Assembly passes any Bill other than a Bill to which section 5A of this Act 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

Disagreements—Referendum.

an

an interval of three months the Legislative Assembly in the same Session or 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 convene a joint sitting of the Members of the Legislative Council and the Members of the Legislative Assembly. 5

The Members present at the joint sitting may deliberate upon the Bill as last proposed by the Legislative Assembly and upon any amendments made by the Legislative Council with which the Legislative Assembly does not agree. 15

No vote shall be taken at the joint sitting.

(2) After the joint sitting the Legislative Assembly may by resolution direct that the Bill as last proposed by the Legislative Assembly and either with or without any amendment subsequently agreed to by the Legislative Council and the Legislative Assembly, shall, at any time during the life of the Parliament or at the next general election of Members of the Legislative Assembly, be submitted by way of referendum to the electors qualified to vote for the election of Members of the Legislative Assembly. 20 25

The referendum shall be held and conducted as may be provided by law. 30

(3) If at the referendum a majority of the electors voting approve the Bill it shall be presented to the Governor for the signification of His Majesty's pleasure thereon and become an Act of the Legislature upon the Royal Assent being signified thereto, notwithstanding that the Legislative Council has not consented to the Bill. 35

(4) For the purposes of this section the Legislative Council shall be taken to have failed to pass a Bill if the Bill is not returned to the Legislative Assembly 40
Assembly

Assembly within three months after its transmission to the Legislative Council and the Session continues during such period.

5 (5) This section shall extend to any Bill whether it is a Bill to which section 7A of this Act applies or not.

And in the case of a Bill to which section 7A of this Act applies—

10 (a) the submission of the Bill to the electors by way of referendum in accordance with this section shall be a sufficient compliance with the provisions of section 7A of this Act which require the Bill to be submitted to the electors; and

15 (b) the referendum under this section may, notwithstanding anything contained in section 7A of this Act, be held upon a day appointed by the Governor in such manner as may be provided by law.

20 (6) A joint sitting of the Members of the Legislative Council and the Members of the Legislative Assembly for the purposes of this section may be convened by the Governor by message to both Houses of the Parliament.

25 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
30 approved by the Governor, the Standing Rules and Orders of the Legislative Council shall so far as practicable apply.

35 5c. (1) Where a Bill is presented to the Governor for the signification of His Majesty's pleasure in accordance with section 5A of this Act, the words of enactment shall be as follows:—

Words of enactment.

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

in Parliament assembled, in accordance with the provisions of section 5A of the Constitution Act, 1902, as amended by subsequent Acts, 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. 5

(2) Where a Bill is presented to the Governor for the signification of His Majesty's pleasure in accordance with section 5B of this Act, the words of enactment shall be as follows:— 10

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, with the approval of the electors, in accordance with the provisions of section 5B of the Constitution Act, 1902, as amended by subsequent Acts, and by the authority of the same, as follows:— 15

Any alteration of a Bill necessary to give effect to this subsection shall not be deemed to be an amendment of the Bill. 20

(3) The Principal Act is amended by inserting in Part IV next after section thirty-eight the following new section:— 25

38A. (1) Notwithstanding anything contained in this Act, any executive councillor who is a Member of the Legislative Assembly may at any time, with the consent of the Legislative Council, sit in the Legislative Council 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 in the Legislative Council on such Bill, but he shall not vote in the Legislative Council. 30 35

(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 Legislative Council.

(4)

Amendment of
Act No. 32,
1902.

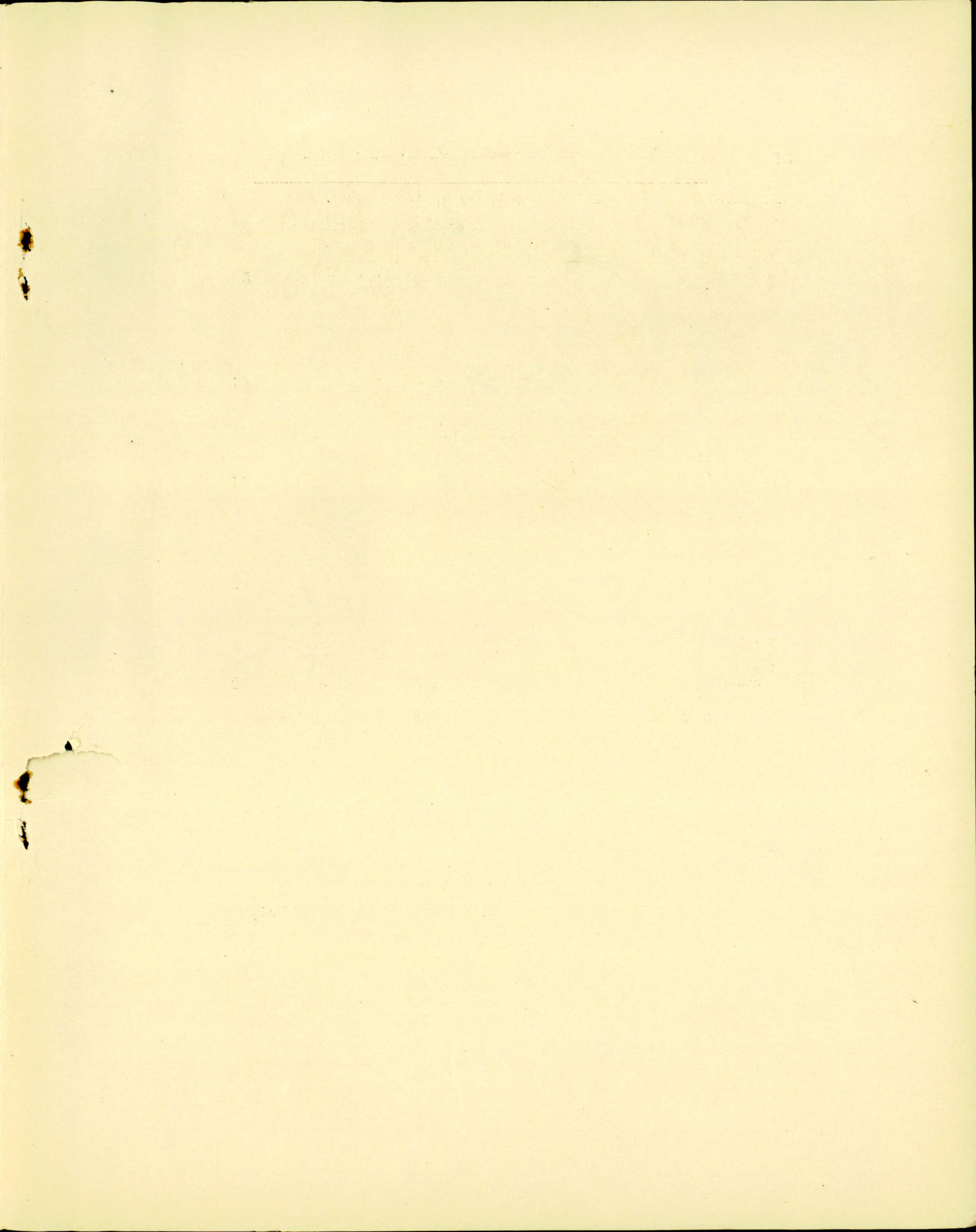
New s. 38A.

Powers of
Ministers
to speak in
Legislative
Council.

- (4) The Principal Act is amended—
- 5 (a) by omitting from subsection six of section 7A all words following the words "but shall not apply to any Bill for " and by inserting in lieu thereof the following words:—
- 10 " (a) the repeal; or
 (b) the amendment from time to time; or
 (c) the re-enactment from time to time with or without modifications
- 15 of any of the following sections of this Act, namely, sections thirteen, fourteen, fifteen, 17B, 17C, eighteen, nineteen, twenty, twenty-one, twenty-two and 38A, or of any provision for the time being in force so far as it relates to the subject-matter dealt with in any of those sections ";
- (b) by inserting at the end of section 7A the following new subsection:—
- 20 (8) In this section a reference to the Legislative Council shall be construed as a reference to the Legislative Council as reconstituted in accordance with this Act.
- 25 **6.** The Standing Rules and Orders of the Legislative Council in force immediately before the appointed day shall, to the extent to which they are not inconsistent with the provisions of the Principal Act, as amended by this Act, continue in force until amended or repealed in accordance with section fifteen of the Principal Act.

Amendment of Act No. 32, 1902. Sec. 7A.

Saving of Standing Rules and Orders.



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