

Legislative Council.

No. , 1936.

A BILL

To amend the Constitution (Legislative Council Elections) Act, 1932-1933, in certain respects; and for purposes connected therewith.

[MR. MANNING ;—29 October, 1936.]

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

- 1.** (1) This Act may be cited as the "Constitution (Legislative Council Elections) Amendment Act, 1936." Short title.
(2) The Constitution (Legislative Council Elections) Act, 1932-1933, as amended by this Act, may be cited as the Constitution (Legislative Council Elections) Act, 1932-1936.

Amendment
of Act
No. 5, 1933.

Sec. 6 (1).
(Returning
officer.)

2. The Constitution (Legislative Council Elections) Act, 1932-1933, is amended—

(a) (i) by inserting in subsection one of section six after the words “Clerk of the Parliaments” the words “or the officer of the Legislative Council acting in his place at the date of the issue of the writ for the election”; 5

(ii) by inserting at the end of the same subsection the following paragraph and new subsection:— 10

(b) In the case of the death of a returning officer or in case of sickness or other cause disabling a returning officer from acting at any election, the Governor may appoint an officer of the Legislative Council in his stead. The officer so appointed shall, for all purposes, be deemed to be the returning officer at that election. 15

The provisions of the Public Service Act, 1902, shall not apply to or in respect of any appointment under this paragraph. 20

(1A) Where at any election, whether at or after the date of the issue of the writ therefor, the Clerk of the Parliaments is not the returning officer, any reference in this Act to the Clerk of the Parliaments shall, for any purpose of or connected with the election and except as otherwise provided in this subsection, be deemed to be a reference to the returning officer. 25 30

This subsection shall not affect any provision of Division 11 of Part II of this Act.

Sec. 10 (1).
(Substitute
returning
officer.)

(b) (i) by inserting at the end of subsection one of section ten the following new paragraph:—

(b) In the case of the death of a substitute returning officer or in case of sickness or other cause disabling a substitute returning officer from acting at any election the returning 35

5 returning officer may appoint some fit person in his stead. The person so appointed shall, for all purposes, be deemed to be the substitute returning officer at that election.

- (ii) by omitting from subsection three of the same section the words "at any time during such interval."
- 10 (c) by inserting in subsection one of section seven after the words "issued by the Governor" the words "The writ may be in or to the effect of a prescribed form." Sec. 7 (1).
(Form of writ.)

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