

295

[CONFIDENTIAL.]

Suggestions Z

No. , 1929.

A BILL

To remodel the Legislative Council; to amend the Constitution Act, 1902, and certain other Acts; to repeal the Constitution (Amendment) Act, 1925; and for purposes connected therewith.

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

1. (1) This Act may be cited as the "Constitution Short title. (Legislative Council) Act, 1929," 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.

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

2. (1) The Principal Act is amended—

(a) by omitting sections sixteen and seventeen and by inserting in lieu thereof the following new sections:—

Amendment
of Act No. 32,
1902.

Substituted
secs. 16, 17.

16. (1) The Legislative Council shall consist of sixty Members who shall be elected on a system of preferential voting by the electors of the fifteen electoral provinces into which the State is by this Act divided, each of which shall return four Members to the Council.

Constitution
of Legisla-
tive Council.

(2) Each electoral province shall comprise the six electoral districts set opposite the name of the province in the Fifth Schedule to this Act.

(3) Elections of Members to represent electoral provinces in the Legislative Council shall be conducted by the Electoral Commissioner, and the law for the time being in force regulating the election of Members to the Legislative Assembly shall, mutatis mutandis, apply to such elections.

(4) 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, but save as aforesaid, every person, male or female, who is eligible under the law for the time being in force to be elected as a member of the Legislative Assembly and to sit and vote therein shall be capable of being elected a Member of the Legislative Council and of sitting and voting therein.

(5) Every person, male or female, who is enrolled as an elector under the law for the time being in force relating to elections for the Legislative Assembly shall if not disqualified under that law to vote at an election for the
Legislative

Legislative Assembly be entitled to vote at an election for the Legislative Council in the province comprising the electoral district for which such person is enrolled.

17. (1) Subject to the provisions of this Act every Member of the Legislative Council (except a Member elected to fill a casual vacancy) shall be entitled to hold his seat for a period of twelve years.

Tenure and
commence-
ment of
office.

(2) A Member of the Council elected to fill the place of any Member whose seat becomes vacant otherwise than by his retirement by effluxion of time or the dissolution of the Council shall, subject to this Act, be entitled to hold the seat during the unexpired portion of the period of which his predecessor was elected.

Casual
vacancies.

(3) A retiring Member of the Council shall, if not otherwise disqualified, be capable of being re-elected, and, except when the Council is dissolved, shall be entitled to sit and vote as a Member until his successor is elected.

(4) Of the Members elected for an electoral province at the first election after this section comes into operation or after a dissolution of the Council, the one who, upon the count is last declared elected, shall retire at the expiration of three years, and the one who is thirdly declared elected shall retire at the expiration of six years, and the one who is secondly declared elected shall retire at the expiration of nine years.

(5) The election to fill vacant places shall be made in the year at the expiration of which the places are to become vacant.

For the purposes of this section the term of service of a Legislative Councillor shall be taken to begin on the first day of January following the day of his election, except in the cases of the first election and the election next after

298

after any dissolution of the Legislative Council when it shall be taken to begin on the first day of January preceding the day of his election.

- (b) by inserting next after the Fourth Schedule the following new Schedule:—

FIFTH SCHEDULE.

Sec. 16 (4).

Name of Electoral Province.	Electoral Districts comprised in Province.
1 North Shore	1 { Mosman. Neutral Bay. North Sydney. Lane Cove. Willoughby. Gordon.
2... ..	

- (c) by omitting from subsection one of section Sec. 13 (1). thirteen the words “summoned or”;
 - (d) by omitting from subsection one of section Sec. 14 (1). fourteen the words “summoned to the said Council, or elected or returned as a Member to serve in the said Assembly for any electoral district, such summons or” and by inserting in lieu thereof the words “elected and returned as a Member to serve in the said Council or the said Assembly such”;
 - (e) by omitting the proviso to subsection one of Sec. 22 (1). section twenty-two.
- (2) The Constitution (Amendment) Act, 1925, is hereby repealed. Repeal of Act No. 1, 1926. (Consequential.) Further amendment of Act No. 32, 1902.
- 3. The principal Act is further amended—**
- (a) by inserting at the end of the proviso to Sec. 5. section five the words “but a Bill shall not be taken to be a Bill for appropriating any part of the public revenue or for imposing any new rate, tax, or impost by reason only of it containing provisions for the imposition or appropriation

299

appropriation of fines or other pecuniary penalties, or for the demand or payment or appropriation of fees for licenses or fees for services under such Bill”;

- (b) by inserting next after section nine the following new sections :—

New ss. 9A and 9B added.

9A. (1) The Legislative Council may once at each of the undermentioned stages of a Bill, which the Council cannot alter, return such Bill to the Legislative Assembly suggesting by message the omission or amendment of any items or provisions therein, and the Assembly may, if it thinks fit, make any of such omissions or amendments with or without modifications.

Power of Council to suggest alterations in certain Bills.

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

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

- (a) the consideration of the Bill in Committee;
- (b) the consideration of the report of the Committee; and
- (c) the consideration of the question that the Bill be read a third time.

9B. (1) If the Legislative Assembly passes any Bill and the Legislative Council rejects or fails to pass it or passes it with any amendment to which the said Assembly will not agree, and if not later than six months before the date of the expiry of the Assembly by effluxion of time, the said Assembly is dissolved by the Governor by a proclamation declaring such dissolution to be granted in consequence of the disagreement between the two Houses as to such Bill, and the Assembly again passes the Bill with or without any amendment which has been made, suggested, or agreed to by the Council, and the Council rejects

Provision for disagreements between Houses as to Bills.

rejects or fails to pass it or passes it with any amendment to which the said Assembly will not agree, the Governor may at any time not less than nine months nor more than twelve months after the said dissolution, dissolve the Legislative Council and the Legislative Assembly simultaneously.

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

(3) Any Bill by which an alteration may be made in the constitution of the Legislature or in the Third Schedule (other than such alterations as are referred to in section six or section seven) shall not be within the operation of subsections one and two of this section.

4. (1) Every person summoned by the Governor to the Legislative Council under the Principal Act who upon the day preceding the first election referred to in section sixteen of the Constitution Act, 1902-1929, is a Member of the Legislative Council shall for the term of his natural life retain and continue to be entitled—

Privileges of summoned Members of Legislative Council to be retained.

(a) to hold and use the free pass issued to him under section fifty-eight of the Government Railways Act, 1912; and

(b) to enter Parliament House, to use the Parliamentary Library,⁹ and to enjoy such other privileges of a Member of the Legislative Council as exist upon the day preceding the date of the commencement of this Act.

(2) Such free pass shall on the death of the holder be forthwith returned to the Commissioners for Railways by his personal representatives.

(3) Notwithstanding anything contained in this Act, or any other Act, the Members of the Legislative Council who upon the day aforesaid hold office as Members of the Parliamentary Standing Committee on Public Works, shall, unless and until the Legislature otherwise

otherwise provides, continue to hold office as Members of the said committee during the period for which they would have held such office if this Act had not been enacted.

5. Until the Members for the electoral provinces have been duly elected and at least fifty thereof sworn, the Members of the Legislative Council summoned by the Governor under the Principal Act shall continue to be and act as the Legislative Council. Existing limit to continue until elected Members sworn.

6. The Parliamentary Electorates and Elections Act, 1912-1928, is amended by inserting next after Schedule Twenty-one the following new Schedule :—

SCHEDULE TWENTY-TWO.

METHOD of counting votes at election of Members of the Legislative Council for an Electoral Province :—

- 1.
- 2.

7. This Act shall commence on a date to be proclaimed by the Governor, which shall be a date not earlier than one month after the Bill for such Act has been approved by the majority of the electors enrolled as electors under the Parliamentary Electorates and Elections Act, 1912-1928, at a referendum held for the purpose in pursuance of section 7A of the Principal Act and in accordance with the law for the time being in force relating to such a referendum. Commence-ment.