



ANNO SEPTIMO

GEORGI VI REGIS.

A.D. 1943.

No. 41 of 1943.

An Act to amend the Constitution Act, 1934-1942, to further extend the suffrage for the Legislative Council and the House of Assembly.

[Reserved 16th December, 1943.
[Royal Assent Proclaimed 27th March, 1944.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

- Short titles.** 1. (1) This Act may be cited as the "Constitution Act Amendment Act, 1943".
- (2) The Constitution Act, 1934-1942, as amended by this Act, may be cited as the "Constitution Act, 1934-1943".
- (3) The Constitution Act, 1934-1942, is in this Act called "the principal Act".
- Incorporation.** 2. This Act is incorporated with the principal Act and that Act and this Act shall be read as one Act.
- Amendment of s. 20 of principal Act—Consequential amendments.** 3. Subsection (1) of section 20 of the principal Act is amended—
- (a) by striking out the word "two" in the first line thereof and inserting in lieu thereof the word "three";
- (b) by striking out paragraphs (v.) and (va.) and the last seven lines thereof.
- Enactment of s. 20a of principal Act—** 4. The following section is hereby enacted and inserted in the principal Act after section 20 thereof :—

20a. (1) Subject to the next two succeeding sections, the following persons shall also be entitled to vote at the election of members of the Legislative Council, namely—

Legislative
Council
franchise
based on war
service.

- i. Any person who is or has been a member of a naval, military, or air force of the Commonwealth during any war in which the Commonwealth is or has been engaged and who—
 - (a) voluntarily enlisted in that force ; or
 - (b) whether he voluntarily enlisted or not, served in that force outside the Commonwealth, or in an evacuated area :
- ii. Any person who is or has been a member of a naval, military, or air force of any other part of His Majesty's Dominions during a war in which His Majesty is or has been engaged and who during that war served in that force outside the part of His Majesty's dominions in which the force was raised :
- iii. Any person who during a war in which the Commonwealth is or has been engaged was domiciled in any State of the Commonwealth and whilst so domiciled is or has been employed in any capacity in sea-going service on a ship other than a ship belonging to a Navy.

(2) A person shall not be entitled to vote by virtue of this section—

- (a) if he has been discharged from service in the naval, military, or air force, or from his employment on a ship because of his own default or misconduct ;
- (b) unless he is enrolled on the roll for a subdivision of a council district ;
- (c) unless he is a British subject.

(3) A person who, if enrolled, would be entitled to vote by virtue of this section shall be entitled to be enrolled on the roll for a subdivision of a council district—

- (a) if he has lived in that subdivision continuously for at least one month immediately before his claim for enrolment ; or
- (b) in the case of a person who at the time of his claim for enrolment is on service as a member of a naval, military, or air force, if he had lived in that subdivision continuously for at least one

month immediately before commencing service in that force.

(4) The expression "evacuated area" when used in this section in relation to any service shall mean an area from which at the time of the service the civil population was evacuated pursuant to the order of a Minister of the Crown or an officer of a naval, military, or air force.

Amendment of s. 21 of principal Act—
Consequential amendment.

5. Section 21 of the principal Act is amended by adding after the word "service" in the penultimate line thereof the words "or service on a ship".

Repeal of s. 22 of principal Act and enactment of other provisions—
Disqualifications for voting for Council.

6. Section 22 of the principal Act is repealed and the following section is enacted and inserted in lieu thereof :—

22. No person who is of unsound mind and no person attainted of treason, or who has been convicted and is under sentence or subject to be sentenced for any offence punishable under the law of any part of the King's Dominions by imprisonment for one year or longer shall be entitled to vote at any election for a member or members of the Legislative Council.

Amendment of s. 33 of the principal Act—
Consequential amendment.

7. Subsection (1) of section 33 of the principal Act is amended by striking out the figure "I." in the seventh line thereof and by striking out the whole of paragraph II. thereof.

Enactment of s. 33a of principal Act—

8. The following section is hereby enacted and inserted in the principal Act after section 33 thereof :—

Assembly franchise based on war service.

33a. (1) Subject to the disqualifications set out in subsection (2) of section 33 of this Act, the following persons shall also be entitled to vote at the election of members of the House of Assembly, namely :—

I. Any person who is or has been a member of a naval, military, or air force of the Commonwealth during any war in which the Commonwealth is or has been engaged and who—

(a) voluntarily enlisted in that force ; or

(b) whether he voluntarily enlisted or not, served in that force outside the Commonwealth or in an evacuated area;

II. Any person who is or has been a member of a naval, military, or air force of any other part of His Majesty's Dominions during the war in which

His Majesty is or has been engaged and who during that war served in that force outside the part of His Majesty's Dominions in which the force was raised ;

III. Any person who during a war in which the Commonwealth is or has been engaged was domiciled in any State of the Commonwealth and whilst so domiciled is or has been employed in any capacity in sea-going service on a ship other than a ship belonging to a Navy.

(2) A person shall not be entitled to vote by virtue of this section—

- (a) if he has been discharged from service in the naval, military, or air force or from his employment on a ship because of his own default or misconduct ;
- (b) unless he is a British subject ;
- (c) unless he is enrolled on the roll for a subdivision of an Assembly district.

(3) A person who, if enrolled would be entitled to vote by virtue of this section shall be entitled to be enrolled on the roll for a subdivision of an Assembly district :—

- (a) if he has lived in that subdivision continuously for at least one month immediately before his claim for enrolment ; or
- (b) in the case of a person who at the time of his claim for enrolment is on service as a member of a naval, military, or air force, if he had lived in that subdivision continuously for at least one month immediately before commencing service in that force.

(4) The expression "evacuated area" when used in this section in relation to any service shall mean an area from which, at the time of the service, the civil population was evacuated pursuant to the order of a Minister of the Crown or an officer of a naval, military, or air force.

Reserved for the signification of His Majesty the King's pleasure thereon.

C. M. BARCLAY-HARVEY, Governor.