

ELECTORAL (No. 2).

No. 87 of 1954.

AN ACT to amend the *Electoral Act 1907*.
 [21 December, 1954.]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

1—(1) This Act may be cited as the *Electoral Act (No. 2)* 1954. Short title and citation.

(2) The *Electoral Act 1907*, as subsequently amended, is in this Act referred to as the Principal Act.

2 Section four of the Principal Act is amended by inserting after the definition of “Elector” the following definition:— Interpretation.

“ ‘Electoral Commission’ means the Electoral Commission constituted under section twelve:”.

3 After section eleven of the Principal Act the following section is inserted in Part II:—

“ 12—(1) There shall be a commission, to be called the Electoral Commission, which shall consist of three members as provided by subsection (2) of this section. Electoral Commission.

(2) The members of the Electoral Commission shall comprise—

I The Chief Electoral Officer, who shall be the chairman of the Commission:

II The Government Statistician: and

III The Vice-Chancellor of the University of Tasmania.

(3) The members of the Electoral Commission shall be paid such remuneration (if any) as the Governor may determine.

(4) The Electoral Commission shall be a body corporate with perpetual succession and a common seal.

(5) The Electoral Commission may regulate its own procedure.

(6) The Electoral Commission shall have the powers that are conferred on it, and shall perform the duties that are imposed on it, by this Act.”.

By-elections.

4 Section one hundred and thirty-two A of the Principal Act is amended by adding at the end thereof the following subsection:—

“(10) Notwithstanding anything in this section or in paragraph IV of subsection (2) of section twenty-four A of the *Constitution Act 1934*, in the event of the death or resignation from the Assembly of a Member elected under that paragraph, the vacancy so arising may be filled under the provisions of this section.”.

5 Section one hundred and eighty-three of the Principal Act is repealed and the following section is substituted therefor:—

Duties, &c.,
of Electoral
Commission.

“183—(1) For the purposes only of section twenty-four A of the *Constitution Act 1934*, the Electoral Commission shall, as soon as practicable after the completion of the scrutiny at a general election of Members of the Assembly, consider the result of the polling at that election and, if it is satisfied that—

I All the Members elected to the Assembly at that election are members of either of two opposing political parties:

II No persons who are not members of either of those parties have been elected as Members of the Assembly: and

III Of the Members elected to the Assembly at that election, fifteen are members of one of those parties and fifteen are members of the other of those parties,

shall certify accordingly by notice published in the *Gazette*.

(2) If a certificate is published by the Electoral Commission pursuant to subsection (1) of this section, the Commission—

I Shall allocate to each of the political parties mentioned in subsection (1) of this section the total number of first choices recorded for the candidates in the several divisions who are members of that political party: and

II Publish in the *Gazette*, and furnish to the Clerk of the Assembly, a return specifying the total number of votes so allocated to each of those political parties respectively.

(3) A certificate, determination, or return by the Electoral Commission under this section shall be conclusive and shall not be questioned or be subject to review in any court or in any proceedings.

(4) For the purposes of this section, the Electoral Commission may—

I Give such directions to the Chief Electoral Officer, or to any returning officer or other officer appointed under this Act, as may, in the opinion of the

Commission, be necessary for the performance of the duties imposed on the Commission by this section: and

- II Require the production of, and examine, any nomination papers, ballot-papers, or other documents in the possession or under the control of the Chief Electoral Officer, a returning officer, or any other officer appointed under this Act,

and the Chief Electoral Officer, or any returning officer or other officer to whom a direction is given, or of whom a requirement is made, under this section, shall comply in all respects with that direction or requirement.”.

CONSTITUTION (No. 2).

No. 88 of 1954.

AN ACT to amend the *Constitution Act 1934*.

[*Reserved*, 21 December, 1954; *Royal Assent proclaimed*, 11 February, 1955.]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

1—(1) This Act may be cited as the *Constitution Act* Short title and citation. (No. 2) 1954.

(2) The *Constitution Act 1934*, as subsequently amended, is in this Act referred to as the Principal Act.

2 Section three of the Principal Act is amended by inserting after the definition of “Council” the following definition:— Interpretation.

“ ‘Electoral Commission’ means the Electoral Commission constituted under the *Electoral Act 1907*:”.