

PARLIAMENTARY ELECTIONS (CASUAL VACANCIES) ACT.

Act No. 18, 1920.

George V, No. 18. An Act to make provision for the filling of casual vacancies in the Legislative Assembly; to amend the Parliamentary Electorates and Elections Act, 1912; and for other purposes. [Assented to, 10th December, 1920.]

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:—

Short title. **1.** This Act may be cited as the "Parliamentary Elections (Casual Vacancies) Act, 1920."

2.

2. In this Act, unless the context otherwise indicates **George V,**
or requires,— **No. 18.**

“Assembly” means Legislative Assembly of New Definitions.
South Wales.

“Member” means member of the Assembly.

“Speaker” means Speaker of the Assembly.

3. Notwithstanding any law heretofore made the Act to apply to filling of casual vacancies.
provisions of this Act, and no other provisions, shall apply to the election of a member in the place of a member who by death, resignation, or otherwise has ceased to be a member (and who in this Act is referred to as the late member), and to the filling of any casual vacancy in the Assembly so occasioned.

4. Any such vacancy shall be filled by the election How vacancy to be filled.
of the unsuccessful candidate at the last general election who—

- (a) represents the same party interest as the late member; and
- (b) upon the count of the primary preference votes polled at the said election for the constituency for which the vacancy has occurred was highest on the list as disclosed by such count as between the unsuccessful candidates representing such party interest who are willing to be elected and available to fill the vacancy.

5. The party interest which was represented by the Determination of party interest of late member.
late member shall be determined by a declaration in writing to be made by the Clerk of the Assembly, which declaration the Clerk of the Assembly is directed to make, and to forward to the Speaker when requested by him so to do. In determining what party interest was represented by the late member the Clerk of the Assembly shall have regard to the vote or votes (if any) of the late member on any motion or motions of censure during the present Parliament.

6. The recognised leader of the party represented by Nomination by party leader.
the late member shall, by writing under his hand addressed to the Speaker, nominate the person who is entitled under the provisions of this Act to be elected in place of the late member.

7.

George V,
No. 18.

When mem-
ber deemed
to be elected.

7. Upon receipt of any such nomination the Speaker shall communicate to the Assembly the name of the person so nominated and such person shall thereupon be deemed to be elected as a member for the constituency for which the nomination has been made in the place of the late member: Provided that the Speaker shall be entitled to refuse to accept a nomination made by any person who in the opinion of the Speaker is not the recognised leader of the party represented by the late member and in such case shall not be entitled to communicate to the Assembly the name of the person mentioned in such nomination.

Act to apply to
vacancies
occurring before
passing of Act.

8. This Act shall apply to the election of a member to fill a vacancy whether such vacancy has occurred before or after the passing of this Act.

No action to
be brought
for failure to
issue writ,
&c.

9. No action or proceeding shall be brought or instituted in any court by reason of the failure or omission by any person to issue a writ or to cause or direct a writ to be issued for filling any vacancy which has occurred since the last general election and prior to the commencement of this Act or by reason of any alleged contravention by any person of any provision of the Parliamentary Electorates and Elections Act, 1912, relating to the filling of any such vacancy, and any such action or proceeding which is pending in any court shall be discontinued upon such terms as to costs as such court shall think fit.

Amendment of
s. 99 of Parlia-
mentary Elec-
torates and
Elections Act,
1912.

10. Subsection two, subsection three, and subsection four of section ninety-nine of the Parliamentary Electorates and Elections Act, 1912, as inserted therein by section six of the Parliamentary Elections (Amendment) Act, 1918, are hereby repealed.

Regulations.

11. The Governor may make any regulations which it is necessary or expedient to make to carry out the provisions of this Act, and any such regulations when published in the Gazette shall have the force of law.