

South Australia

## **Constitution (Legislative Council Casual Vacancy) Proclamation 2003**

under section 13 of the *Constitution Act 1934*

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### **Preamble**

- 1 A seat of a member of the Legislative Council has become vacant by resignation of the Honourable Michael John Elliott, M.L.C.
- 2 A person must be chosen to occupy the vacant seat by an assembly of the members of both Houses of Parliament.
- 3 It is necessary to make provision in relation to the constitution and proceedings of that assembly.

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### **1—Short title**

This proclamation may be cited as the *Constitution (Legislative Council Casual Vacancy) Proclamation 2003*.

### **2—Commencement**

This proclamation comes into operation on the day on which it is made.

### **3—Provisions relating to the assembly of members**

The following provisions apply in relation to the constitution and proceedings of an assembly of the members of both Houses of Parliament to choose a person to occupy the vacant seat in the Legislative Council caused by the resignation of the Honourable Michael John Elliott, M.L.C.:

- (a) the assembly will meet at 12.30 p.m. on Monday, 17 February 2003, at the Legislative Council Chamber;
- (b) the Honourable Ronald Roy Roberts, M.L.C., is appointed to preside over the assembly;
- (c) Janice Maxine Davis is appointed to be clerk of the assembly;
- (d) the following rules are to be observed at the assembly and applied as the method by which the decision of the assembly will be evidenced:
  - (i) the presiding officer will take the chair;
  - (ii) the clerk of the assembly will read this proclamation;
  - (iii) the presiding officer will invite nominations for the vacant seat from the members of the assembly;

- (iv) nominations will first be made without debate;
- (v) a nomination will not be accepted by the presiding officer unless—
  - (A) the nomination is seconded; and
  - (B) the person nominated is a person who can lawfully be chosen by the assembly to occupy the vacancy;
- (vi) when it appears that no further nominations are to be made, the members making the nominations, the members seconding the nominations and any other members of the assembly may speak if they desire;
- (vii) when members have concluded their remarks, a ballot will be taken if necessary;
- (viii) the presiding officer will announce to the assembly the name of the person chosen to occupy the vacant seat;
- (ix) the President of the Legislative Council must be informed in writing of the decision of the assembly and notice of the decision must be published in the Gazette.

**Made by the Governor**

with the advice and consent of the Executive Council  
on 30 January 2003

DPC 003/03 CS