

TASMANIA

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**FIXED TERM PARLIAMENT BILL 2008**

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[Bill No. 11]

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# FIXED TERM PARLIAMENT BILL 2008

*(Brought in by Margaret Ann Putt)*

## A Bill For

**An Act to fix (except in certain circumstances) 20<sup>th</sup> of March 2010 as the date for the next general election of members of the current House of Assembly and for related matters.**

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:

### Short title

1. This Act may be cited as the *Fixed Term Parliament Act 2008*.

### Commencement

2. This Act commences on the day on which this Act receives the Royal Assent.

### Interpretation

3. (1) In this Act, unless the contrary intention appears –

“**current Assembly**” means the House of Assembly of the Forty-Sixth Parliament;

“**next general election**” – means the next general election of members of the House of Assembly held after the commencement of this Bill.

- (2) This Bill is to be construed as if it formed part of the *Constitution Act 1934*.

### **Date of next general election**

**4. (1)** The writs for the next general election must fix 20 March 2010 or such later day as may be determined in accordance with the *Electoral Act 2004* as the day on which polling for that general election is to be held unless the current Assembly is dissolved under section 5.

**(2)** If the current Assembly is dissolved under section 5 the writs for the next general election must fix the day on which polling for that general election is to be held in accordance with the *Electoral Act 2004*.

**(3)** If the current Assembly is not dissolved under section 5, the current Assembly expires on the 20<sup>th</sup> March 2010.

**(4)** In this section, a reference to a writ does not include a reference to a writ issued because of the failure of an election including a failure of an election because of its being declared void in accordance with the law.

### **Dissolution of current Assembly before 20 March 2010**

**5. (1)** The current Assembly may be dissolved by the Governor by proclamation, but only in the circumstances authorized by this section.

**(2)** The current Assembly may be dissolved if –

(a) a motion of no confidence in the Premier and other Ministers is passed by the current assembly; and

(b) during the period commencing on the passing of the motion of no confidence and ending 8 clear days after the passing of the motion, the current Assembly has not passed a motion of confidence in the Premier and other Ministers or has not passed a motion of confidence in a sufficient number of members of the current Assembly who could form an alternative government.

(3) Where a motion of no confidence referred to in subsection (2) (a) is passed, the current Assembly may not be prorogued before the end of the period referred to in subsection (2) (b) unless within that period a motion of confidence in the Premier and other Ministers is passed.

(4) The current Assembly may be dissolved if -

(a) the current Assembly or the Council rejects a Bill which authorizes the issue and application of any money from the Consolidated Fund to meet the cost of the ordinary annual services of the Government; or

(b) the current Assembly or the Council fails to pass such a Bill before the time the money referred to in paragraph (a) is required.

(5) the current Assembly may be dissolved within 2 months before the current Assembly is due to expire if the general election would otherwise be required to be held during the same period as a Commonwealth election.

**This Act to prevail**

6. This Act has effect despite anything to the contrary in the *Constitution Act 1934*.