

TASMANIA

**CONSTITUTION (FIXED TERM PARLIAMENT)
AMENDMENT BILL 2008**

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**CONSTITUTION (FIXED TERM PARLIAMENT) AMENDMENT
BILL 2008**

(Brought in by William Edward Felix Hodgman)

A BILL FOR

An Act to fix (except in certain circumstances) the third Saturday of March every fourth year as the date for the general election of members of the 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 Constitution (Fixed Term Parliament) Amendment Bill 2008.

Commencement

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

Principal Act

3. In this Act, the *Constitution Act 1934* is referred to as the Principal Act.

Section 12 Amended

4. Section 12(2) of the Principal Act is amended by omitting “or dissolve the Assembly whenever he shall deem it expedient to do so” and substituting “in accordance with the provisions contained in s.23 of this Act”.

Section 23 Amended (Four Year Parliaments)

5. Section 23 of the Principal Act is repealed and the following section is substituted:

23. Four Year Parliaments

(1) Subject to this section, a general election of members of the House of Assembly must be held on the third Saturday in March in the fourth calendar year after the calendar year in which the last general election was held.

(2) The Governor must, where a general election is to be held on a day fixed under this section, dissolve the House of Assembly and issue a writ or writs for the election at a time prior to the election that is in accordance with the

requirements of the *Electoral Act 2004* for the issue of writs.

(3) Before the issue of a writ or writs for a general election under this section, the Governor may defer the day of the election, by notice published in each of the three newspapers circulating generally in the State, to a Saturday not more than 21 days after the day otherwise fixed under this section, where—

(a) the day fixed under this section for the election is the Saturday immediately following Good Friday; or

(b) a general election of members of the Commonwealth House of Representatives is to be held in the same month as the election.

(4) A day to which a general election is deferred in accordance with subsection (3) will be taken to be a day fixed under this section for the general election.

(5) After the issue of a writ or writs for a general election under this section, the day of the election may be deferred in accordance with the provisions of the *Electoral Act 2004*.

(6) The current Assembly may be dissolved by the Governor by proclamation, but only in the circumstances authorised by this section.

(7) 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.

(8) 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.

(9) 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.