

67. Issue of writs in cases of vacancy

- (1) Whenever a vacancy occurs in the Assembly from any cause, the Speaker, upon a resolution by the House declaring such vacancy and the cause thereof, shall cause a writ to be issued to supply the vacancy.
- (2) Subject to section 39(4) of the *Constitution Acts Amendment Act 1899*, in the case of any such vacancy when Parliament is not in session, or when the vacancy occurs during any adjournment for a longer period than 7 days of the Assembly, the Speaker may, without such preceding resolution, cause a writ to be issued to supply the vacancy.
- (3) Subject to section 39(4) of the *Constitution Acts Amendment Act 1899*, if at the occurrence of any such vacancy there is no Speaker, and Parliament is not in session, or if the Speaker is absent from the State, the Governor shall, if satisfied of the existence of such vacancy, cause a writ to be issued for the election of a member for the seat so vacated.
- (4) In the case of a vacancy caused by death, the Speaker or the Governor, as the case may require, is to cause the writ to be issued on receiving notice of the death in the prescribed form signed by 2 members of the Assembly of which the deceased was a member.
- (4a) However, subject to section 39(4) of the *Constitution Acts Amendment Act 1899*, if the Speaker or Governor, as the case may be, is satisfied of the existence of the vacancy, the writ can be issued whether or not notice has been received under subsection (4).
- (5) Whenever a vacancy occurs by reason of any of the disqualifications mentioned in section 32(a), and section 38(d), of the *Constitution Acts Amendment Act 1899*, it shall be the duty of the Registrar in Bankruptcy forthwith to give notice thereof in writing to the Speaker, if within the State, and otherwise to the Governor, and on receipt of such notice the Speaker, if within the State, or otherwise the Governor, shall forthwith, cause a writ to be issued for the election of a member to supply the vacancy.

[Section 67⁴ amended by No. 44 of 1911 ss.24 and 43; No. 78 of 1984 s.16; No. 40 of 1987 s.39; No. 36 of 2000 s.10.]