

LEGISLATIVE COUNCIL (POSTPONEMENT OF ELECTION).

5° and 6° GEO. VI., No. L.

No. 50 of 1941.

AN ACT to provide for the postponement of the general election of members of the Legislative Council to fill vacancies about to be caused by the retirement of certain members by effluxion of time, and for other purposes incidental thereto.

[Assented to 16th January, 1942.]

Preamble.

WHEREAS, in accordance with section eight of the Constitution Acts Amendment Act, 1899, the senior member for each Province of the Legislative Council in the Parliament of the State will retire from office as such member by effluxion of time on the twenty-first day of May, one thousand nine hundred and forty-two, and in accordance with the said section of the said Act and with section sixty-three of the Electoral Act, 1907-1940, a general election for the Legislative Council caused by the retirement of the said members as aforesaid must be held within the time prescribed by the said Acts: **AND WHEREAS**, in view of the pressing national emergency arising out of the war with Japan in which the Commonwealth of Australia is at present engaged, it is neither desirable, convenient, nor expedient that a general election for the Legislative Council shall be held as aforesaid within the time prescribed by the said Acts: Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same as follows:—

Short title.

1. This Act may be cited as the *Legislative Council (Postponement of Election) Act, 1941.*

Act to be read in conjunction with other Acts.

2. This Act shall be read in conjunction with the Constitution Acts Amendment Act, 1899 (No. 19 of 1899),

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and the Electoral Act, 1907-1940, hereinafter referred to as "the Constitution Act" and "the Electoral Act" respectively.

3. Notwithstanding anything to the contrary contained in the Constitution Act or in the Electoral Act, or in any other Act, it shall not be necessary for the Governor by warrant under his hand to direct the Clerk of the Writs to issue a writ for the general election for the Legislative Council which will be caused by the retirement of the senior member for each Province of the said Legislative Council by effluxion of time on the twenty-first day of May, one thousand nine hundred and forty-two, within the time prescribed by section eight of the Constitution Act and by section sixty-three of the Electoral Act in relation to the date upon which the said senior members would but for this Act retire as aforesaid, but the Governor shall, subject as hereinafter provided, issue his said warrant to the Clerk of the Writs directing him to issue a writ for the said general election at any time within twelve months from the tenth day of April, one thousand nine hundred and forty-two:

Authority to postpone general election.

Provided that the said Legislative Council may at any time within the said period of twelve months by resolution carried by an absolute majority recommend that the Governor issue his said warrant under section sixty-three of the Electoral Act for the said general election for the Legislative Council, and the Governor shall give effect to such recommendation.

4. Consequentially upon the operation of section three of this Act, the terms of office of the senior members for each Province of the Legislative Council which would but for this Act, expire by effluxion of time on the twenty-first day of May, one thousand nine hundred and forty-two, shall be and are hereby extended after the said date for a period ending on the date of the completion of the postponed general election provided for in section three of this Act, and such members shall continue to be the senior members of the Legislative Council accordingly.

Terms of office of members of Legislative Council extended.

Provided that nothing in this section shall operate so as to extend the term of office of any other member of the Legislative Council who is not due to retire on the twenty-first day of May, one thousand nine hundred and forty-two.