

LEGISLATIVE ASSEMBLY DURATION AND GENERAL ELECTION POSTPONEMENT.

5° and 6° GEO. VI., No. LI.

No. 51 of 1941.

AN ACT to provide for the prolongation of the existence of the present Legislative Assembly, and for the postponement of the general election for the Legislative Assembly to succeed the present Legislative Assembly and for other purposes incidental thereto.

[Assented to 16th January, 1942.]

Preamble.

WHEREAS the Legislative Assembly as at present constituted in the Parliament of the State will in accordance with law cease to exist on the thirty-first day of January, one thousand nine hundred and forty-two, and thereafter a general election for the Legislative Assembly to succeed the present Legislative Assembly must be held within the time prescribed by the Electoral Act, 1907-1940: **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 not desirable that the present Legislative Assembly shall cease to exist before its successor is duly elected and constituted and it is neither desirable, convenient, nor expedient that a general election for the Legislative Assembly to succeed the present Legislative Assembly shall be held within the time prescribed by the Electoral Act, 1907-1940: **BE** it therefore enacted, by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and 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 Assembly Duration and General Election Postponement Act, 1941.*

1941.] *Legislative Assembly Duration and* [No. 51.
General Election Postponement.

2. This Act shall be read in conjunction with the Constitution Acts Amendment Act, 1899 (No. 19 of 1899), as amended by the Legislative Assembly Duration Act, 1919 (No. 48 of 1919), and the Electoral Act, 1907-1940, hereinafter referred to as "the Constitution Act" and "the Electoral Act," respectively.

This Act to be read in conjunction with other Acts.

3. Notwithstanding anything to the contrary contained in the Constitution Act or in any other Act, the Legislative Assembly as constituted at the time of the passing of this Act and which according to law will cease to exist on the thirty-first day of January, one thousand nine hundred and forty-two, shall exist and continue to exist after that date and until the completion of a general election for the Legislative Assembly to be held after the said date under the provisions of the Electoral Act within the time authorised by section five of this Act, and no longer.

Present Legislative Assembly prolonged.

4. Consequentially upon the operation of section three of this Act, the terms of office of the members of the Legislative Assembly as constituted at the time of the passing of this Act shall be and are hereby extended for a period running concurrently with and ending simultaneously with the period for which the existence of the said Legislative Assembly is prolonged by section three of this Act.

Terms of office of members of Legislative Assembly extended.

5. Notwithstanding anything to the contrary contained 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 Assembly to succeed the Legislative Assembly as constituted and existing at the time of the passing of this Act within the time prescribed by subsection (1) of section sixty-three of the Electoral Act, in relation to the date upon which the said present Legislative Assembly would, but for this Act, cease to exist, but the Governor shall, subject as herein-after 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 computed from the twenty-first day of February, one thousand nine hundred and forty-two.

Authority to postpone general election.

No. 51.] *Legislative Assembly Duration and* [1941.
General Election Postponement.

Provided that the said Legislative Assembly 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 a general election for the Legislative Assembly, and the Governor shall give effect to such recommendation.
