

## CONSTITUTION.

9° and 10° GEO. VI., No. LII.

No. 52 of 1945.

**AN ACT** to amend section thirty-five of and to insert a certain saving provision in the **Constitution Acts Amendment Act, 1899.**

[Assented to 30th January, 1946.]

**BE** it 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:—

1. This Act may be cited as the *Constitution Acts Amendment Act Amendment Act (No. 4), 1945*, and shall be read as one with the *Constitution Acts Amendment Act, 1899 (No. 19 of 1899)*, hereinafter referred to as the principal Act. Short title.

2. Section thirty-five of the principal Act is amended by adding at the end thereof the following words:—“nor to any contract or agreement (not being a contract or agreement for the construction of any public work within the meaning of the *Public Works Act, 1902-1933*) made or entered into by any person with the Crown for the rendering of any service by such person for the Crown, or for the supply of any goods, wares or merchandise or the rendering of any service to such person or for the making of any loan to such person upon the security of a mortgage, bill of sale, lien or other security at prices or rates or upon and subject to conditions which are similar to those charged or imposed by the Crown in its transactions of a like nature with other persons in the ordinary course of the business of supplying goods, wares or merchandise or rendering the service or making loans as aforesaid and which the said first mentioned person under the said contract or agreement is legally bound Amendment of s. 35.

to pay or observe and comply with; nor to any sale of goods or to any performance of work by any person to or for the Crown in the usual and ordinary course of a commercial business as already established and being carried on by such person in a town or portion of the State where there is no other person carrying on the same kind of business and—

- (i) it is necessary, in order to avoid delay, expense, or other inconvenience, that the Crown shall obtain such goods or the performance of such work in such town or portion of the State;
- (ii) the goods are not sold or the work is not performed in pursuance of a written agreement which by virtue of its provisions has a continuing operation; and
- (iii) the goods or work are not required for or in connection with the construction of a public work within the meaning of the Public Works Act, 1902-1933.

For the purposes of this section, the term “the Crown” includes the Crown, a Minister of the Crown in his ministerial capacity, any State Government officer acting in his official capacity, any State Government department, any State trading concern, State instrumentality, State public utility, and any other person or body, whether corporate or non-corporate who or which under the authority of an Act of Parliament administers or carries on for the benefit of the State any public social service or public utility.”

New section.

3. A section is inserted in the principal Act after section forty-one as follows:—

Protection of members in certain cases.

41A. Notwithstanding anything to the contrary contained elsewhere in this Act or in any other Act, a member of the Legislative Council or of the Legislative Assembly who is appointed as a member of a Select Committee (whether a Select Committee of either House or a Joint Select Committee) or as a member of any Royal Commission, or as a member of the Executive Council with the designation “Honorary Minister” shall not vacate his seat or incur disqualification under this Act by reason of accepting, for and in respect of expenses which may necessarily or reasonably be incurred by him in connection with or incidentally to the discharge by him

of his duties as such member of such Select Committee or Royal Commission or such Executive Council (as the case may be), payment from the Crown of an expenses allowance as prescribed by regulation which the Governor shall be and is hereby authorised to make under and for the purposes of this section.

---