

CONSTITUTION (TEMPORARY).

25th GEO. V., No. II.

No. 3 of 1934.

AN ACT to declare that the provisions of section six of the Constitution Act, 1889, and sections thirty-two, thirty-four and thirty-eight of the Constitution Acts Amendment Act, 1899, did not apply, and shall not apply, to the office of the chairman of the Lotteries Commission from the appointment to such office to the 31st day of December, 1934 ; and for other relative purposes.

[Assented to 15th June, 1934.]

1. This Act may be cited as the *Constitution Acts Amendment (Temporary) Act, 1934.* Short title.

2. It is hereby declared and enacted—

(1) That the Honourable Alexander McAlister Clydesdale did not incur any disqualification and shall be deemed not to have incurred at any time before, on, or since the 23rd day of February, 1933, and during the continuance of this Act any disqualification under section six of the Constitution Act, 1889, or sections thirty-two, thirty-four, or thirty-eight of the Constitution Acts Amendment Act, 1899, by reason of the acceptance by him of the office of a member of the Lotteries Commission under the Lotteries (Control) Act, 1932, or of his continuance in such office; and

No disqualification incurred by acceptance of the office of a member of the Lotteries Commission.

- (2) That the seat of the Honourable Alexander McAlister Clydesdale as a member of the Legislative Council was not vacated or rendered void by the acceptance or re-acceptance of such office, which as from the commencement of the Lotteries (Control) Act, 1932, and during its continuance until the 31st day of December, 1934, was not and shall not with respect to such period be deemed an office of profit from the Crown.

Saving any existing judgment under section 39 of the Constitution Acts Amendment Act, 1899, but barring other actions.

3. Notwithstanding the provisions of the preceding section, this Act shall not affect the right to recover any monetary penalty under section thirty-nine of the Constitution Acts Amendment Act, 1899, and costs under the judgment obtained in the action H. No. 20 of 1933 in the Supreme Court of Western Australia; subject, however, to the determination of any pending appeal or to any right of further appeal of either party to such action; but this Act shall apply and operate as a bar to all other actions or proceedings (if any) under the said section thirty-nine which may have been commenced and are pending at the commencement of this Act.

Retrospective but limited operation of this Act.

4. This Act shall have effect from the commencement of the Lotteries (Control) Act, 1932, until the 31st day of December, 1934, but no longer.