

CONSTITUTION (No. 2).

No. 4 of 1980.

AN ACT to amend the Constitution Acts Amendment Act 1899-1978 by inserting therein section 39C.

[Assented to 9 September 1980.]

BE it enacted by the Queen'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:—

1. (1) This Act may be cited as the *Constitution Amendment Act (No. 2) 1980*.

Short title and citation.

(2) In this Act the Constitution Acts Amendment Act 1899-1978 is referred to as the principal Act.

Approved for reprint 18th May, 1971.

(3) The principal Act as amended by this Act may be cited as the Constitution Acts Amendment Act 1899-1980.

Amended by Acts Nos. 9 of 1972, 52 of 1973, 30 of 1974, 15, 71, 86 and 111 of 1975, 28 of 1977 and 59 of 1978.

Section 39C
added.

2. The principal Act is amended by inserting after section 39B the following section—

No disquali-
fication etc.
in respect of
provision
of certain
facilities
and payment
of certain
expenses.

“ 39C. (1) Notwithstanding the provisions of section six of the Constitution Act 1889, or sections thirty-two, thirty-three, thirty-four, thirty-seven, thirty-eight, and thirty-nine of this Act—

- (a) the seat of a member of Parliament shall not become vacant and shall not be deemed or taken to have become vacant;
- (b) the election or appointment of any person to be a member of Parliament shall not be invalidated and shall not be deemed or taken to have been in any way invalidated;
- (c) no person shall be or be deemed or taken to have been disqualified from or incapable of being elected or appointed or being or continuing a member of Parliament or be or be deemed or taken to have been incapable of sitting or voting in Parliament; and
- (d) no person sitting or voting as a member of Parliament shall thereby be or be deemed or taken to have been liable to any penalty,

by reason only—

- (e) of any contract or agreement that such member or person makes or enters into, or has made or entered into, with the State for—
 - (i) the provision of a motor vehicle, an electorate office, secretarial assistance, or any other facility reasonably required for the efficient discharge of the duties of a member of Parliament;

- (ii) the provision of financial assistance to enable him to have any of the things referred to in subparagraph (i) of this paragraph;
- (iii) the payment (whether directly or by way of reimbursement) of, or the granting or allowing of any concession or exemption in respect of, the fares of such member or person or any member of his family for travel in this State or elsewhere; or
- (iv) the payment (whether directly or by way of reimbursement) of accommodation or other expenses incurred by such member or other person in the course of or in connection with travel in this State or elsewhere or the payment to him of an allowance in respect of such expenses; or
- (f) that such member or person holds or has held an office or place from or under the Crown the holder of which may, as an incident of that office or place, be provided by the State with a motor vehicle, secretarial assistance or any other facility reasonably required for the efficient discharge of the duties of that office or place.

(2) For the purposes of subsection (1) of this section "the State" includes the Crown, a Minister of the Crown in his ministerial capacity, any State Government officer acting in his official capacity and any State Government department.

(3) Subsection (1) of this section applies to and in relation to—

- (a) any seat held by a member of Parliament;
- (b) any election or appointment of a person to be a member of Parliament;
- (c) the qualification or capacity of any person to be elected or appointed, or to be or continue to be, a member of Parliament; and
- (d) any act of sitting or voting in, or as a member of, Parliament,

at any time whether before or after the coming into operation of the Constitution Amendment Act (No. 2) 1980. ”
