

**ACTS AMENDMENT AND
REPEAL
(DISQUALIFICATION FOR
PARLIAMENT).**

No. 78 of 1984.

AN ACT to amend the Alcohol and Drug Authority Act 1974, the Audit Act 1904, the Constitution Act 1889, the Constitution Acts Amendment Act 1899, the Electoral Act 1907, the Fremantle Port Authority Act 1902, the National Parks Authority Act 1976, the Salaries and Allowances Act 1975 and the Waterways Conservation Act 1976, and to repeal the Constitutional Convention Act 1974.

[Assented to 14 November 1984.]

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:—

PART I—PRELIMINARY.

1. This Act may be cited as the *Acts Amendment and Repeal (Disqualification for Parliament) Act 1984*. Short title.

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Commence-
ment.

2. This Act shall come into operation on a date to be fixed by proclamation.

PART II—ALCOHOL AND DRUG AUTHORITY
ACT 1974.

Section 16
repealed.
Act No. 32
of 1974.

3. Section 16 of the Alcohol and Drug Authority Act 1974 is repealed.

PART III—AUDIT ACT 1904.

Section 7
amended.
Reprinted
as approved
29 December
1969 and
amended by
Act No. 17
of 1978.

4. Section 7 of the Audit Act 1904 is amended by repealing subsection (1).

PART IV—CONSTITUTION ACT 1889.

Section 6
amended.
Reprinted as
approved
30 April 1982.

5. Section 6 of the Constitution Act 1889 is amended by repealing the second and third paragraphs.

Sections 16
and 17
repealed.

6. Sections 16 and 17 of the Constitution Act 1889 are repealed.

PART V—CONSTITUTION ACTS AMENDMENT
ACT 1899.

Principal
Act.
Reprinted as
approved
26 June 1984.

7. In this Part the Constitution Acts Amendment Act 1899 is referred to as the principal Act.

New section
31 inserted.

8. Before section 31 of the principal Act the following section is inserted to stand as section 31—

Interpreta-
tion.

“ 31. In the succeeding provisions of this Part—

(a) “disqualified for membership of the Legislature” means disqualified for membership of the Legislative Council and for membership of Legislative Assembly;

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“member” in relation to a commission, council, board, committee, authority, trust or other body means—

- (i) any member of the body whether known as a member, commissioner, councillor, trustee, director or by any other title;
- (ii) any deputy, alternate or acting member of the body,
and includes a person holding the office of chairman or president or any other office on the body;

“member of the Legislature” means a member of the Legislative Council or the Legislative Assembly;

- (b) a reference to the holding of any office or place is a reference to the holding of that office or place in a permanent, temporary or acting capacity on a full-time, part-time or casual basis. ”.

9. Section 31 of the principal Act is renumbered as section 32 and amended—

Section 31
renumbered
32 and
amended.

- (a) by deleting “No person shall be qualified to be a member of the Legislative Council or Legislative Assembly,” and substituting the following—

“ A person is disqualified for membership of the Legislature ”; and

- (b) by deleting paragraphs (1), (2) and (3) and redesignating paragraphs (4) and (5) as paragraphs (a) and (b) respectively.

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Existing section 32 repealed; sections 33 to 37 substituted.

10. Sections 32, 33, 34, 35, 36 and 37 of the principal Act are repealed and the following sections are substituted.

Effect of these provisions.

“ 33. Except as provided by the succeeding sections of this Part—

- (a) the election of a person as a member of the Legislature shall not be rendered void or affected in any other way;
- (b) the seat of a person as a member of the Legislature shall not become vacant,

by reason of his holding any office or place of profit from or under the Crown or any other office or place.

Disqualification of certain office-holders and members of Parliament.

34. (1) Subject to this Act a person is disqualified for membership of the Legislature if he—

- (a) holds any office mentioned in Part 1 of Schedule V; or
- (b) is a member of the Parliament of the Commonwealth or the legislature of a Territory or another State of the Commonwealth.

(2) A member of either House of the Legislature is disqualified for membership of the other House.

Election of unqualified or disqualified person void.

35. (1) If any person not qualified under section 7 or section 20 to be elected a member of a House of the Legislature is elected as a member of that House, his election shall be void.

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(2) If any person disqualified for membership of the Legislature by section 32 or section 34 (1) is elected as a member of the Legislature, his election shall be void.

(3) If any person disqualified for membership of one House of the Legislature by section 34 (2) is elected as a member of that House, his election shall be void.

36. (1) Subject to subsections (2) and (8), this section applies to a person who—

Certain
offices and
places must
be vacated
before
member can
take seat.

(a) holds an office or place in the service of the Crown in right of the Commonwealth or another State of the Commonwealth or in the service of the government of, or any department or agency of the government of, the Commonwealth or a Territory or another State of the Commonwealth; or

(b) holds an office as a member of any commission, council, board, committee, authority, trust or other body, and was appointed as such a member by the Crown in right of the Commonwealth or another State of the Commonwealth, or by the government of, or any department or agency of the government of, the Commonwealth or a Territory or another State of the Commonwealth.

(2) Subject to subsection (4), the Governor may, by Order in Council exempt any office or place from the operation of this section and whilst that office or place remains so exempted this section shall not apply to a person by reason of his holding that office or place.

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(3) Subject to subsection (4), the Governor may, by subsequent Order in Council, amend an Order made under subsection (2) or revoke the Order either absolutely or for the purpose of substituting another Order.

(4) An Order in Council shall be made under this section if and only if the making of the Order has been recommended by resolution passed by both Houses of the Legislature.

(5) Subject to subsection (6), an Order in Council made under this section shall take and have effect on and from the day on which it is published in the *Government Gazette*.

(6) Where, by reason of an Order in Council made under subsection (3), an office or place previously exempted from the operation of this section will no longer be so exempted, that Order shall take and have effect at and from the expiration of 30 days from the day on which it is published in the *Government Gazette*.

(7) The Clerk of the Parliaments shall keep in his custody a copy of every Order in Council made under this section.

(8) This section does not apply to a person by reason of his being a member of the Citizen Forces or the Reserve Forces within the meaning of the Defence Act 1903 of the Parliament of the Commonwealth.

(9) If any person to whom this section applies is elected as a member of the Legislative Council at a general election, his seat shall become vacant on 22 May next following the election if he has not, before that date, resigned from or otherwise ceased to hold the office or place by reason of which this section applies to him.

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(10) If any person to whom this section applies is elected as a member of the Legislature otherwise than as referred to in subsection (9)—

- (a) he shall not take the oath, or make the affirmation, pursuant to section 22 of the Constitution Act 1889 until he has resigned from or otherwise ceased to hold the office or place by reason of which this section applies to him; and
- (b) his seat shall become vacant at the expiration of 21 days after the date on which he is declared to be elected if he has not, before the expiration of that period, resigned from or otherwise ceased to hold the office or place by reason of which this section applies to him.

37. (1) Subject to subsection (2), this section applies to a person who—

Office or place vacated in certain cases.

- (a) holds any office or place mentioned in Part 2 of Schedule V not being an office also mentioned in Part 1 of Schedule V; or
- (b) is a member of any commission, council, board, committee, authority, trust or other body mentioned in Part 3 of Schedule V.

(2) This section does not apply to a person by reason of his being the holder of any office or place, or a member of any body, *ex officio* as the holder of any of the principal executive offices of the Government liable to be vacated on political grounds.

(3) If any person to whom this section applies is declared to be elected as a member of the Legislature, he shall, upon and by virtue of being so declared, vacate the office or place by reason of which this section applies to him. ”.

Section 38
amended.

11. Section 38 of the principal Act is amended—

(a) by deleting “If any member of the Legislative Council or Legislative Assembly” and substituting the following—

“ Subject to any resolution passed by the Legislature under section 39, if any member of the Legislature ”;

(b) by deleting paragraph (1) and substituting the following—

“ (a) ceases to be qualified under section 7 or section 20 to be elected a member of the House of which he is a member; or

(b) becomes disqualified for membership of the Legislature by section 32 or section 34; or

(c) becomes a person to whom section 36 or section 37 applies; ”.

(c) by redesignating paragraphs (2), (3) and (4) as paragraphs (d), (e) and (f) respectively;

(d) by deleting paragraph (5) and “or” following it and substituting the following paragraph—

“ (g) fails to give his attendance in the House of which he is a member for one entire session thereof without the permission of the House entered upon its journals, ”;

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- (e) by deleting paragraph (6);
- (f) by deleting the colon following "vacant" and substituting a full stop; and
- (g) by deleting the provisos.

12. Sections 39, 39A, 39B, 39C, 40, 41, 41A and 42 are repealed and the following sections are substituted—

Sections 39, 40, 41 and 42 substituted; sections 39A, 39B, 39C and 41A repealed.

" 39. (1) This section applies to any case where a person has, or it is alleged that a person has, at any time (in this section called "the material time") become the holder of an office or place—

Provision for relief.

(a) specified in Part 1 or 2 of Schedule V;
or

(b) as a member of any commission, council, board, committee, authority, trust or other body specified in Part 3 of Schedule V; or

(c) referred to in section 36 (1),

and, at the material time, that person was a member of the Legislature.

(2) If, in a case to which this section applies, it appears to the Legislature that the person concerned has, since the material time, resigned from or otherwise ceased to hold the office or place in question, and that it is otherwise proper so to do, the Legislature may, by resolution passed by both Houses, direct that his becoming the holder of that office or place at the material time shall be disregarded for the purposes of section 38 and the resolution shall have effect according to its tenor.

(3) A resolution may be made under subsection (2), and a resolution made under that subsection shall have effect, notwithstanding that proceedings may have been commenced in the Supreme Court under section 41 and notwithstanding any declaration made by the Supreme Court under that section.

(4) The provisions of section 67 (2) and (3) of the Electoral Act 1907 do not apply to or in relation to any vacancy occurring by operation of section 38 in a case to which this section applies.

Presence of unqualified persons not to invalidate proceedings.

40. The proceedings of the Legislative Council or Legislative Assembly shall not be invalidated by reason of the presence in that House of—

- (a) any person not qualified under section 7 or section 20 to be elected a member of that House; or
- (b) any person disqualified by section 32 or section 34 for membership of that House; or
- (c) any person whose seat as a member of that House has become vacant by operation of section 36 or section 38.

Jurisdiction of Supreme Court.

41. (1) Any person entitled to vote for the election of a member of the Legislative Assembly at a general election may apply to the Supreme Court, in accordance with Rules of Court, for a declaration as to whether or not—

- (a) by operation of section 35 the election of that person or another person as a member of the Legislature is void; or

- (b) by operation of section 36 or section 38 the seat of that person or another person as a member of the Legislature has become vacant; or
- (c) by operation of section 37 that person or another person has vacated an office or place.

(2) Upon any application made under subsection (1) by a person other than the person in respect of whom a declaration is sought, the person in respect of whom a declaration is sought shall be the respondent; and the applicant shall give such security for the costs of the proceedings not exceeding \$500 as the Supreme Court may direct.

(3) In hearing and determining an application under this section the Supreme Court shall give effect to any resolution made under section 39 (2) in respect of the person in respect of whom a declaration is sought.

(4) An application under subsection (1) shall be heard and determined by the Full Court of the Supreme Court.

42. (1) Subject to subsection (2), the Governor may, by Order in Council, amend Schedule V.

Power to
amend
Schedule V.

(2) An Order in Council shall be made under this section if and only if the making of that Order has been recommended by resolution passed by both Houses of the Legislature.

(3) An Order in Council made under this section shall take and have effect—

- (a) in the case of an Order adding an office to Part 1 of Schedule V, or adding an office or place to Part 2 of Schedule V or adding a commission,

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council, board, committee, authority, trust or other body to Part 3 of Schedule V—at and from the expiration of 30 days from the day on which the Order is published in the *Government Gazette*; or

(b) in the case of any other Order—on and from the day on which the Order is published in the *Government Gazette*.

(4) The Clerk of the Parliaments shall keep in his custody a copy of every Order in Council made under this section. ”.

Section 44A
inserted.

13. After section 44 of the principal Act the following section is inserted—

Honorary
Ministers.

“ 44A. Nothing in section 43 prevents the appointment of a person to an office with the designation “Honorary Minister” but he shall not receive any remuneration in respect of that office other than an allowance payable pursuant to the Salaries and Allowances Act 1975 for and in respect of expenses that may be necessarily or reasonably incurred by him in connection with or incidentally to the discharge by him of his duties as the holder of that office. ”.

Schedule V
added.

14. The principal Act is amended by adding, at the end, the following Schedule—

“ SCHEDULE V. Sections 34 and 37.

PART 1.

Division 1.

Chief Justice of Western Australia or other Judge of the Supreme Court.

Master of the Supreme Court.

Chairman of Judges or other Judge of the District Court.

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Chairman of Judges or other Judge of the Family Court of Western Australia;

Chairman, or deputy of the Chairman, of the Workers' Compensation Board constituted under the Workers' Compensation and Assistance Act 1981.

Chairman or other member of the Licensing Court of Western Australia;

Chief Stipendiary Magistrate or other stipendiary magistrate appointed under the Stipendiary Magistrates Act 1957.

Industrial Magistrate appointed under the Industrial Arbitration Act 1979.

Special Magistrate appointed under the Child Welfare Act 1947.

Referee of Small Claims Tribunals appointed under the Small Claims Tribunals Act 1974.

Coroner or deputy coroner appointed under the Coroners Act 1920.

Assessor appointed under the Criminal Injuries Compensation Act 1982.

President of The Western Australian Industrial Commission.

Chief Industrial Commissioner, Senior Commissioner or other Commissioner of The Western Australian Industrial Commission.

Chairman or other member of the Salaries and Allowances Tribunal established by the Salaries and Allowances Act 1975.

Chairman or Deputy Chairman of the Western Australian Coal Industry Tribunal constituted under the Western Australian Coal Industry Tribunal Act 1978.

Public Service Arbitrator appointed under the Public Service Arbitration Act 1966.

Chairman, or deputy of the Chairman, of the Government School Teachers' Tribunal constituted under the Government School Teachers Arbitration and Appeal Act 1979.

Chairman, or deputy of the Chairman, of the Railways Classification Board constituted under the Railways Classification Board Act 1920.

Division 2.

Auditor General appointed under the Audit Act 1904.

Permanent Head of a Department of the Public Service of the State.

A senior office within the meaning of the Public Service Act 1978.

Division 3.

Agent General appointed under the Agent General Act 1895.

Clerk of the Legislative Assembly.

Clerk of the Legislative Council.

Commissioner of Police appointed under the Police Act 1892.

Parliamentary Commissioner for Administrative Investigations appointed under the Parliamentary Commissioner Act 1971.

Solicitor-General appointed under the Solicitor-General Act 1969.

A prescribed office within the meaning of the Salaries and Allowances Act 1975.

PART 2.

Division 1.

Member, or deputy of a member, of the Workers' Compensation Board constituted under the Workers' Compensation and Assistance Act 1981.

Employees' representative, employers' representative or substitute representative on the Western Australia Coal Industry Tribunal constituted under the Western Australian Coal Industry Tribunal Act 1978.

Member, or deputy of a member, of the Government School Teachers' Tribunal constituted under the Government School Teachers Arbitration and Appeal Act 1979.

Member, or deputy of a member, of the Railways Classification Board, constituted under the Railways Classification Board Act 1920.

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Division 2.

The office or place of—

Any person employed in a Department of the Public Service of the State that is to say—

- (a) any person employed in that Department who is an officer within the meaning of the Public Service Act 1978;
- (b) any person appointed or employed by the Governor under the provisions of any Act administered in that Department; or
- (c) any person—
 - (i) who is appointed or employed under any enactment; or
 - (ii) whose remuneration as such is defrayed in whole or in part out of moneys provided by Parliament,

being a person appointed or employed by—

- (iii) the Minister of the Crown administering that Department;
- (iv) the Permanent Head of that Department; or
- (v) a person in that Department in whom the power to make minor appointments is vested in accordance with the proviso to section 74 of the Constitution Act 1889.

Any person appointed or employed by the holder of an office mentioned in Division 3 of Part 1.

Any person appointed or employed by a body mentioned in Part 3 or by an instrumentality of which such a body is the governing authority or by the Western Australian Museum constituted by the Museum Act 1969, the Library Board of Western Australia constituted under the Library Board of Western Australia Act 1951, or the Western Australian Alcohol and Drug Authority established under the Alcohol and Drug Authority Act 1974.

Any person who is an officer within the meaning of the Public Service Act 1978 not referred to in a preceding item of this Division.

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Any person who is a member of the Police Force appointed under the Police Act 1892.

Any person who is a member of the teaching staff appointed under the Education Act 1928.

Any person appointed pursuant to section 74 of the Constitution Act 1889 other than a member of the Executive Council who holds any of the principal executive offices of the Government liable to be vacated on political grounds that are referred to in section 43 or who holds an office with the designation "Honorary Minister".

Any person who is an officer of either House of Parliament under the separate control of the President or Speaker, or under their joint control.

PART 3.

The Aboriginal Advisory Council established under the Aboriginal Affairs Planning Authority Act 1972.

The Aboriginal Housing Board responsible to the Minister for Housing.

The Aboriginal Lands Trust established by the Aboriginal Affairs Planning Authority Act 1972.

The Aboriginal Cultural Material Committee established by the Aboriginal Heritage Act 1972.

The Advisory Committee constituted under the Charitable Collections Act 1946.

The Advisory Committee constituted under the Control of Vehicles (Off-road areas) Act 1978.

The Advisory Committee constituted under section 216 of the Health Act 1911.

The Advisory Committee appointed under section 435 of the Local Government Act 1960.

Any advisory committee for an irrigation district appointed under by-laws under the Rights in Water and Irrigation Act 1914.

The Agriculture Protection Board of Western Australia constituted under the Agriculture Protection Board Act 1950.

The Air Pollution Control Council established by the Clean Air Act 1964.

The Albany Port Authority constituted under the Albany Port Authority Act 1926.

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- The Anaesthetic Mortality Committee constituted under the Health Act 1911.
- The Animal Resources Authority established by the Animal Resources Authority Act 1981.
- The Appeal Costs Board constituted under the Suitors' Fund Act 1964.
- The Apple Sales Advisory Committee constituted under the Agricultural Products Act 1929.
- The Architects Board of Western Australia established under the Architects Act 1921.
- The Artificial Breeding Board constituted under the Artificial Breeding Board Act 1965.
- The Beekeepers' Compensation Fund Committee constituted under the Bee Industry Compensation Act 1953.
- The Betting Control Board established under the Betting Control Act 1954.
- Any board, committee or council constituted under section 22 of the Community Welfare Act 1972.
- Any board constituted under section 135 of the Land Act 1933.
- Any board constituted under section 3 of the Parks and Reserves Act 1895 other than the Parliamentary Reserve Board.
- The Board of Directors of the Grain Pool of W.A. constituted under the Grain Marketing Act 1975.
- The Board of Directors of the Honey Pool of Western Australia constituted under the Honey Pool Act 1978.
- The Board of Directors of the Mining and Petroleum Research Act constituted under the Mining and Petroleum Research Act 1981.
- The Board of Directors of the Solar Energy Research Institute of Western Australia constituted under the Solar Energy Research Act 1977.
- The Board of Directors of the Western Australian Development Corporation constituted under the Western Australian Development Corporation Act 1983.
- The Board of Examiners constituted under the Coal Mines Regulation Act 1946.
- The Board of Examiners constituted under regulation 3.2 of the Mines Regulation Act Regulations 1976.

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- The Board of management of the Metropolitan Water Authority constituted under the Metropolitan Water Authority Act 1982.
- The Board of management of the South West Development Authority constituted under the South West Development Authority Act 1984.
- The Board of management of the Water Authority of Western Australia constituted under the Water Authority Act 1984.
- The Board of management of the Western Australian Technology Development Authority constituted under the Technology Development Act 1983.
- Any board of reference constituted under the Construction Safety Act 1972 or the Machinery Safety Act 1974.
- The Board of Secondary Education constituted under the Education Act 1928.
- The Board of the Art Gallery of Western Australia constituted under the Art Gallery Act 1959.
- The board of valuers established by the Metropolitan Region Town Planning Scheme Act 1959.
- Any board of visitors constituted under section 11 or section 26H of the Mental Health Act 1962.
- The Builders' Registration Board of Western Australia constituted under the Builders' Registration Act 1939.
- The Building Societies Advisory Committee constituted under the Building Societies Act 1976.
- The Bunbury Port Authority constituted under the Bunbury Port Authority Act 1909.
- The Bush Fires Board constituted under the Bush Fires Act 1954.
- The Carnarvon Banana Industry Compensation Committee constituted under the Carnarvon Banana Industry Compensation Trust Fund Act 1961.
- The Casino Control Committee established under the Casino Control Act 1984.
- The Central Mining Board and any district mining board appointed under section 29 of the Mining Development Act 1902.
- The Charcoal Iron and Steel Industry Board of Management constituted under the Wood Distillation and Charcoal Iron and Steel Industry Act 1943.

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The Chicken Meat Industry Committee continued by the Chicken Meat Industry Act 1977.

The Chiropodists Registration Board constituted under the Chiropodists Act 1957.

The Chiropractors Registration Board constituted under the Chiropractors Act 1964.

The Citrus Sales Advisory Committee constituted under the Agricultural Products Act 1929.

The Coal Miners' Welfare Board of Western Australia constituted under the Coal Miners' Welfare Act 1947.

The Commissioners of The Rural and Industries Bank of Western Australia appointed under the Rural and Industries Bank Act 1944.

Any committee appointed under section 12C of the Plant Diseases Act 1914.

The Committee of the Western Australian Greyhound Racing Association constituted under the Western Australian Greyhound Racing Association Act 1981.

The Conservation and Environment Council established under the Environmental Protection Act 1971.

The Construction Safety Advisory Board constituted under the Construction Safety Act 1972.

Any consultative committee appointed under the Legal Aid Commission Act 1976.

The Consumer Affairs Council established under the Consumer Affairs Act 1971.

The Consumer Products Safety Committee established under the Consumer Affairs Act 1971.

The Country High Schools Hostels Authority established by the Country High Schools Hostels Authority Act 1960.

The Credit Union Advisory Committee constituted under the Credit Unions Act 1979.

The Dairy Industry Authority of Western Australia established under the Dairy Industry Act 1973.

The Dental Board of Western Australia established by the Dental Act 1939.

The Dental Charges Committee established under the Dental Act 1939.

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The Distressed Persons Relief Trust constituted by the Distressed Persons Relief Trust Act 1973.

Any district advisory committee established under section 23 of the Soil and Land Conservation Act 1945.

The Dried Fruits Board constituted by the Dried Fruits Act 1947.

The Eastern Goldfields Transport Board preserved and continued under the Eastern Goldfields Transport Board Act 1984.

The Energy Advisory Council preserved and continued by the State Energy Commission Act 1979.

Any environmental appeal board constituted under the Environmental Protection Act 1971.

The Environmental Protection Authority established under the Environmental Protection Act 1971.

The Esperance Port Authority established by the Esperance Port Authority Act 1968.

The Factory Welfare Board constituted under the Factories and Shops Act 1963.

The Finance Brokers Supervisory Board constituted under the Finance Brokers Control Act 1975.

The Fishing and Allied Industries Committee responsible to the Minister for Fisheries and Wildlife.

The Fluoridation of Public Water Supplies Advisory Committee established under the Fluoridation of Public Water Supplies Act 1966.

The Fremantle Port Authority constituted under the Fremantle Port Authority Act 1902.

The Fruit Growing Industry Trust Fund Committee constituted by the Fruit Growing Industry (Trust Fund) Act 1941.

The General Fisheries Advisory Committee constituted under the Fisheries Act 1905.

The Geraldton Port Authority established by the Geraldton Port Authority Act 1968.

The Government Employees' Housing Authority established by the Government Employees' Housing Act 1964.

The Hairdressers Registration Board of Western Australia constituted under the Hairdressers Registration Act 1946.

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The Health Education Council of Western Australia constituted under the Health Education Council Act 1958.

The Holiday Resorts Advisory Committee constituted under the Factories and Shops Act 1963.

Any honorary advisory committee appointed under regulation 3 of the Rights in Water and Irrigation Act Regulations 1941.

Any hospital board constituted under the Hospitals Act 1927.

The Industrial and Commercial Employees' Housing Authority established by the Industrial and Commercial Employees' Housing Authority Act 1973.

The Industrial Training Advisory Council established under the Industrial Training Act 1975.

The Insurance Brokers Licensing Board constituted under the General Insurance Brokers and Agents Act 1981;

The Inventions Advisory Committee established by the Inventions Act 1975.

Any irrigation board constituted under the Rights in Water and Irrigation Act 1914.

The Joondalup Development Corporation established under the Joondalup Centre Act 1976.

The Keep Australia Beautiful Council (W.A.) established by the Litter Act 1979.

The Land Purchase Board appointed under the Land Act 1933.

The Land Surveyors Licensing Board constituted under the Licensed Surveyors Act 1909.

Any land valuation tribunal established under the Land Valuation Tribunals Act 1978.

The Land Valuers Licensing Board constituted under the Land Valuers Licensing Act 1978.

The Law Reform Commission of Western Australia established under the Law Reform Commission Act 1972.

The Law Reporting Advisory Board constituted by the Law Reporting Act 1981.

The Legal Aid Commission of Western Australia established under the Legal Aid Commission Act 1976.

The Legal Contribution Trust established by the Legal Contribution Trust Act 1967.

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- The Legislative Review and Advisory Committee established under the Legislative Review and Advisory Committee Act 1976.
- The Local Government Boundaries Commission constituted under the Local Government Act 1960.
- The Local Government Superannuation Board established by the Local Government Superannuation Act 1980.
- The Lotteries Commission constituted by the Lotteries (Control) Act 1954.
- The Machinery Safety Advisory Board constituted under the Machinery Safety Act 1974.
- Any management authority constituted under the Waterways Conservation Act 1976.
- The Maternal Mortality Committee constituted under the Health Act 1911.
- The Medical Board constituted under the Medical Act 1894.
- The Metropolitan Market Trust constituted by the Metropolitan Market Act 1926.
- The Metropolitan (Perth) Passenger Transport Trust constituted under the Metropolitan (Perth) Passenger Transport Trust Act 1957.
- The Metropolitan Region Planning Authority constituted by the Metropolitan Region Town Planning Scheme Act 1959.
- The Mines Survey Board established under the Mines Regulation Act 1946.
- The Mine Workers' Relief Board constituted by the Mine Workers' Relief Act 1932.
- The Mining and Petroleum Advisory Committee established under the Mining and Petroleum Research Act 1981.
- The Motor Vehicle Dealers Licensing Board established under the Motor Vehicle Dealers Act 1973.
- The Motor Vehicle Insurance Trust constituted by the Motor Vehicle (Third Party Insurance) Act 1943.
- The Municipal Clerks and Treasurers Examination Committee, the Municipal Engineers Examination Committee, the Municipal Building Surveyors Examination Committee and the Municipal Town Planners Examination Committee constituted under the Local Government (Qualification of Municipal Officers) Regulations 1961.

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- The Multicultural and Ethnic Affairs Commission established by the Multicultural and Ethnic Affairs Commission Act 1983.
- The National Parks Authority of Western Australia established by the National Parks Authority Act 1976.
- The Noise Abatement Advisory Committee established by the Noise Abatement Act 1972.
- The Noise and Vibration Control Council established by the Noise Abatement Act 1972.
- The Nomenclature Advisory Committee responsible to the Minister for Lands and Surveys.
- The Nurses Board of Western Australia established under the Nurses Act 1968.
- The Occupational Therapists Registration Board of Western Australia established under the Occupational Therapists Registration Act 1980.
- The Optometrists Registration Board established by the Optometrists Act 1940.
- The Painters' Registration Board constituted under the Painters' Registration Act 1961.
- The Parole Board established under the Offenders Probation and Parole Act 1963.
- The Pastoral Appraisement Board constituted under the Land Act 1933.
- The Pensions Tribunal constituted under the Coal Mine Workers (Pensions) Act 1943.
- The Perinatal and Infant Mortality Committee constituted under the Health Act 1911.
- The Perth Theatre Trust established by the Perth Theatre Trust Act 1979.
- The Physiotherapists' Registration Board constituted under the Physiotherapists Act 1950.
- The Podiatrists Registration Board constituted under the Podiatrists Registration Act 1984.
- The Poisons Advisory Committee constituted by the Poisons Act 1964.
- The Port Hedland Port Authority established by the Port Hedland Port Authority Act 1970.
- The Potato Growing Industry Trust Fund Advisory Committee constituted by the Potato Growing Industry Trust Fund Act 1947.

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The Poultry Industry Trust Fund Committee constituted under the Poultry Industry (Trust Fund) Act 1948.

The Premium Rates Committee constituted under the Workers' Compensation and Assistance Act 1981.

Any prices advisory committee established under the Petroleum Products Pricing Act 1983.

The Primary Schools Appointments Board constituted under regulation 91 of the Education Act Regulations 1960.

Any professional, trade or other advisory committee established pursuant to regulation 253 of the Education Act Regulations 1960.

The Psychologists Board of Western Australia constituted under the Psychologists Registration Act 1976.

The Queen Elizabeth II Medical Centre Trust constituted under the Queen Elizabeth II Medical Centre Act 1966.

The Quota Appeals Committee established under the Dairy Industry Act 1973.

The Racecourse Development Trust established under the Racecourse Development Act 1976.

The Radiological Council established under the Radiation Safety Act 1975.

The Real Estate and Business Agents Supervisory Board constituted under the Real Estate and Business Agents Act 1978.

Any Regional Advisory Committee appointed under section 21 of the Water Authority Act 1984.

The Retail Trade Advisory and Control Committee constituted under the Factories and Shops Act 1963.

The Rock Lobster Industry Advisory Committee constituted under the Fisheries Act 1905.

The Rural Housing Authority established under the Rural Housing (Assistance) Act 1976.

The Rural Adjustment Authority established by the Rural Reconstruction and Rural Adjustment Schemes Act 1971.

Any selection committee constituted under regulation 2.7 of the Mines Regulation Act Regulations 1976.

The Settlement Agents Supervisory Board constituted under the Settlement Agents Act 1981.

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(*Disqualification for Parliament*).

The Small Business Development Corporation established under the Small Business Development Corporation Act 1983.

The Soil Conservation Advisory Committee constituted under the Soil and Land Conservation Act 1945.

The Solar Energy Advisory Committee established under the Solar Energy Research Act 1977.

The South West Development Authority Advisory Committee established under the South West Development Authority Act 1984.

The State Advisory Committee on Publications constituted under the Indecent Publications and Articles Act 1902.

The State Energy Commission of Western Australia preserved and continued by the State Energy Commission Act 1979.

The State Housing Commission preserved and continued by the Housing Act 1980.

The Stone-Fruit Sales Advisory Committee constituted under the Agricultural Products Act 1929.

The Superannuation Board constituted under the Superannuation and Family Benefits Act 1938.

The Taxi Control Board constituted under the Taxicars (Co-ordination and Control) Act 1963.

Any technical college, school or centre advisory committee established under regulation 256 of the Education Act Regulations 1960.

The Totalisator Agency Board constituted under the Totalisator Agency Board Betting Act 1960.

The Town Planning Appeal Committee constituted under the Town Planning and Development Act 1928.

The Town Planning Appeal Tribunal constituted under the Town Planning and Development Act 1928.

The Town Planning Board constituted under the Town Planning and Development Act 1928.

The Traffic Board established under the Road Traffic Act 1974.

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(*Disqualification for Parliament*).

Any Transport Strategy Committee established under the State Transport Co-ordination Act 1981.

The Trustees of the Karrakatta Cemetery appointed under the Cemeteries Act 1897.

The Trustees of the Technical Education Division Self Supporting Activities appointed under regulation 240 of the Education Act Regulations 1960.

The Urban Lands Council responsible to the Minister for Housing.

The Veterinary Preparations and Animal Feeding Stuffs Advisory Committee established under the Veterinary Preparations and Animal Feeding Stuffs Act 1976.

The Veterinary Surgeons' Board constituted under the Veterinary Surgeons Act 1960.

Any water board constituted under the Country Areas Water Supply Act 1947 or the Water Boards Act 1904 other than a water board constituted by the appointment of the council of a municipality to be the water board or a water board of which all of the members are elected.

The Western Australia Marine Manning Committee established by the Western Australian Marine Act 1982.

The Western Australian Arts Council established by the Western Australian Arts Council Act 1973.

The Western Australian Coastal Shipping Commission established by the Western Australian Coastal Shipping Commission Act 1965.

The Western Australian Egg Marketing Board constituted under the Marketing of Eggs Act 1945.

The Western Australian Fire Brigades Board constituted under the Fire Brigades Act 1942.

The Western Australian Government Railways Commission constituted under the Government Railways Act 1904.

The Western Australian Herbarium Committee responsible to the Minister for Agriculture.

The Western Australian Heritage Committee responsible to the Minister for the Environment.

The Western Australian Lamb Marketing Board established under the Marketing of Lamb Act 1971

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- The Western Australian Local Government Grants Commission established under the Local Government Grants Act 1978.
- The Western Australian Meat Commission constituted by the Abattoirs Act 1909.
- The Western Australian Meat Industry Authority established under the Western Australian Meat Industry Authority Act 1976.
- The Western Australian Overseas Projects Authority established by the Western Australian Overseas Projects Authority Act 1978.
- The Western Australian Post-Secondary Education Commission established by the Western Australian Post-Secondary Education Commission Act 1970.
- The Western Australian Potato Marketing Board constituted by the Marketing of Potatoes Act 1946.
- The Western Australian Science, Industry and Technology Council established under the Technology Development Act 1983.
- The Western Australian Tourism Commission established under the Western Australian Tourism Commission Act 1983.
- The Western Australian Tripartite Labour Consultative Council established under the Western Australian Tripartite Labour Consultative Council Act 1983.
- The Western Australian Water Resources Council established under the Western Australian Water Resources Council Act 1982.
- The Western Australian Wheat Board constituted under the Wheat Marketing Act 1979.
- The Western Australian Wheat Marketing Board constituted by the Wheat Marketing Act 1947.
- The Western Australian Wildlife Authority constituted under the Wildlife Conservation Act 1950.
- Any wheat products prices committee constituted under the Wheat Products (Prices Fixation) Act 1938.
- The Youth, Sport and Recreation Advisory Committee established under the Youth, Sport and Recreation Act 1978.
- The Zoological Gardens Board established under the Zoological Gardens Act 1972. ”.

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PART VI—CONSTITUTIONAL CONVENTION
ACT 1974.

Repeal of Act
No. 10 of 1974.

15. The Constitutional Convention Act 1974 is repealed.

PART VII—ELECTORAL ACT 1907.

Section 67
amended.
Reprinted as
approved
8 December
1981 and
amended by
Acts Nos. 31
and 123 of
1982 and 9,
54 and 66
of 1983.

16. Section 67 of the Electoral Act 1907 is amended—

(a) in subsection (2) by deleting “In” and substituting the following—

“ Subject to section 39 (4) of the Constitution Acts Amendment Act 1899, in ”;

(b) in subsection (3) by deleting “If” and substituting the following—

“ Subject to section 39 (4) of the Constitution Acts Amendment Act 1899, if ”; and

(c) in subsection (4)—

(i) by deleting “and” at the end of paragraph (a) and substituting a colon;

(ii) by deleting paragraph (b);

(iii) by inserting after “Provided that” the following—

“ , subject to section 39 (4) of the Constitution Acts Amendment Act 1899, ”; and

(iv) by deleting “or appointment published”.

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(*Disqualification for Parliament*).

17. After section 213 of the Electoral Act 1907 the following section is inserted—

Section 213A
inserted.

“ 213A. The Governor may make regulations—

Regulations
affecting
certain
candidates.

- (a) requiring a person who holds any office or place mentioned in Part 2 of Schedule V to the Constitution Acts Amendment Act 1899, not being an office also mentioned in Part 1 of that Schedule, and who is nominated for election under this Act to take leave of absence from that office or place and—
 - (i) prescribing the period during which that leave of absence shall be taken;
 - (ii) authorizing that leave of absence to be granted and taken notwithstanding anything contained in the Act under which that person is appointed or employed;
 - (iii) providing for that leave of absence to be taken without pay except to the extent to which that person has an accrued entitlement to, and applies for, leave of absence with pay;
- (b) prohibiting a person who is a member of any body mentioned in Part 3 of Schedule V to the Constitution Acts Amendment Act 1899 and who is nominated for election under this Act from attending any meeting of that body, or carrying out any function or duty as a member of that body, or receiving any salary, fees, allowances, expenses or other remuneration as a member of that body and—

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(*Disqualification for Parliament*).

- (i) prescribing the period during which those prohibitions shall have effect;
- (ii) providing that those prohibitions shall have effect notwithstanding anything to the contrary in the Act under which that person is appointed;
- (iii) providing for consequential matters in relation to membership of that body.

PART VIII—FREMANTLE PORT AUTHORITY
ACT 1902.

Section 18
repealed.
Reprinted as
approved
23 July 1973
and amended
by Acts
Nos. 12 and
22 of 1976
and 78 of
1979.

18. Section 18 of the Fremantle Port Authority Act 1902 is repealed.

PART IX—NATIONAL PARKS AUTHORITY
ACT 1976.

Schedule
amended.
Act No. 19
of 1976.

19. The Schedule to the National Parks Authority Act 1976 is amended in subparagraph (3) of paragraph 10 by deleting “of the State or”.

PART X—SALARIES AND ALLOWANCES ACT 1975.

Section 4
amended.
Act No. 27
of 1975
as amended
by Acts
Nos. 89 of
1975, 63 of
1978, 33 of
1979 and
34 of 1980.

20. Section 4 of the Salaries and Allowances Act 1975 is amended in subsection (1) by inserting after the interpretation “member” the following interpretation—

“ “Minister of the Crown” means a person who holds any of the principal executive offices of the Government liable to be

1984.] *Acts Amendment and Repeal* [No. 78.
(*Disqualification for Parliament*).

vacated on political grounds that are referred to in section 43 of the Constitution Acts Amendment Act 1899; ”.

21. Section 6 of the Salaries and Allowances Act 1975 is amended— Section 6
amended.

(a) by inserting after subsection (5) the following subsection—

“ (5a) Notwithstanding any other provision of this Act or any determination, where a person elected as a member of Parliament is a person to whom section 36 or section 37 of the Constitution Acts Amendment Act 1899 applies, that person shall not be entitled to any remuneration as such a member in respect of any period for which he remains a person to whom that section applies. ”; and

(b) by inserting after subsection (6) the following subsections—

“ (7) Where a member of Parliament (not being a Minister of the Crown, the holder of an office with the designation “Honorary Minister”, or the Parliamentary Secretary of the Cabinet) travels in this State or elsewhere in order to perform any duty or function as a representative of the Government or of a Minister of the Crown—

(a) he is not entitled to have his fares for that travel paid by the State, or to receive reimbursement from the State in respect of those fares, unless that payment or reimbursement is made—

(i) with the written approval of the Treasurer; or

(ii) under arrangements made under section 11A (1);

(b) he is not entitled to receive any remuneration from the State in respect of accommodation or other expenses incurred in the course of or in connection with that travel other than an allowance payable in accordance with a determination made by the Tribunal.

(8) Where a payment or reimbursement in respect of the fares of a member of Parliament is made with the approval of the Treasurer as referred to in subsection (7) (a) (i), no payment or reimbursement shall be made in respect of those fares under arrangements made under section 11A (1), but that payment or reimbursement shall not be regarded as being in satisfaction of any part of the entitlements of the member under those arrangements. ”.

PART XI—WATERWAYS CONSERVATION ACT 1976.

Section 18 amended.
Act No. 131 of 1976 as amended by Acts Nos. 16 of 1980 and 97 of 1982.

22. Section 18 of the Waterways Conservation Act 1976 is amended in subsection (3) by deleting “of the State or”.
