

CONSTITUTIONAL CONVENTION.

No. 10 of 1974.

AN ACT relating to delegates to the Australian Constitutional Convention and to incidental and other matters.

[Assented to 27th September, 1974.]

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. This Act may be cited as the *Constitutional Convention Act, 1974.* Short title.

2. In this Act, unless the contrary intention appears— Definitions.

“Convention” means the Convention known as the Australian Constitutional Convention being the Convention comprising delegates

appointed respectively by each Parliament within the Commonwealth and by the Legislative Council for the Northern Territory, and representatives of local government throughout the Commonwealth, that has been constituted to review the operation of the Constitution of the Commonwealth and to propose such amendments to that Constitution as the Convention thinks fit;

“Convention committee” means the Executive Committee or a Standing Committee of the Convention, and includes a sub-committee or working party of the Executive Committee or a Standing Committee of the Convention;

“member” means a member of the Legislative Assembly of the Twenty-eighth Parliament;

“prescribed period” means the period on and from the 31st day of January, 1974 up to and including the 20th day of August, 1974.

Continuation of status of former delegates to the Convention.

3. Every member who was a delegate to the Convention immediately before the Legislative Assembly of the Twenty-seventh Parliament ceased and determined shall be deemed to have continued to be a delegate to the Convention during the prescribed period.

Allowances in respect of attendance at meetings during prescribed period.

4. Notwithstanding the provisions of the Constitution Acts Amendment Act, 1899, or of any other Act, each of the following persons is declared to be entitled, and to have always been entitled, to be paid an allowance for and in respect of expenses necessarily or reasonably incurred by

him in connection with or incidentally to his attendance at any meeting of a Convention committee held during the prescribed period, that is to say—

- (a) any member who is deemed by section 3 of this Act to have been a delegate to the Convention during that period; and
- (b) any person who attended such a meeting in the place of a delegate to the Convention or in the place of a member who is deemed by section 3 of this Act to have been a delegate to the Convention during that period.

5. Any member of the Legislative Assembly of the Twenty-eighth or any subsequent Parliament who is a delegate to the Convention immediately before the Legislative Assembly of which he is a member ceases to exist and continue (whether through expiry by effluxion of time, dissolution by the Governor, or any other cause) shall by operation of this section continue to be a delegate to the Convention—

Delegates to retain status on expiry etc. of Legislative Assembly.

- (a) up to and including the date on which the next succeeding general election for the Legislative Assembly is held; and
- (b) in the case of a person who is re-elected at the general election referred to in paragraph (a) of this section, up to and including the date on which the Legislative Assembly elected at that general election duly appoints delegates to the Convention.

6. Notwithstanding the provisions of the Constitution Acts Amendment Act, 1899, or of any other Act,—

Allowances in respect of attendance at meetings during period of continued status.

- (a) any person who is a delegate to the Convention by operation of section 5 of this Act and who attends a meeting of the Convention or of a Convention committee; and

- (b) any person who attends a meeting of the Convention or of a Convention committee in the place of a person who is a delegate to the Convention either by operation of section 5 of this Act or otherwise,

shall be entitled to be paid an allowance for and in respect of expenses necessarily or reasonably incurred by him in connection with or incidentally to his attendance at that meeting.

Calculation
and payment
of allow-
ances.

7. (1) The amount of any allowance to which a person is entitled under this Act shall be calculated according to the rates and methods of computation prescribed by the regulations in force under section 41A of the Constitution Acts Amendment Act, 1899 at the time of the Convention meeting or Convention committee meeting in relation to which the expenses were or are incurred.

(2) The payment out of the Public Account of allowances under and in accordance with this Act is hereby authorised and approved, and the Public Account is, to the necessary extent, appropriated accordingly.

Members not
to be dis-
qualified by
acceptance
of allow-
ances.

8. Notwithstanding the provisions of the Constitution Acts Amendment Act, 1899, or of any other Act, a member of the Legislative Assembly of the Twenty-eighth or any subsequent Parliament shall not vacate his seat or incur disqualification under the Constitution Acts Amendment Act, 1899 by reason of accepting payment of an allowance under and in accordance with this Act.
