

CONSTITUTION.

6° AND 7° GEO. VI., No. XXIX.

No. 29 of 1942.

AN ACT to amend section six of the Constitution Act, 1889, and sections thirty-two, thirty-four, thirty-seven, thirty-eight, and thirty-nine of the Constitution Acts Amendment Act, 1899.

[Assented to 23rd December, 1942.]

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, 1942.* Short title.

2. Notwithstanding the provisions of section six of the Constitution Act, 1889, or sections thirty-two, thirty-four, thirty-seven, thirty-eight, and thirty-nine of the Constitution Acts Amendment Act, 1899— No disability, disqualification or penalty in certain cases.

- (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 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 member of Parliament or person sitting or voting as a member shall be or be deemed or taken to have been liable to any penalty

by reason only—

(1) that during the continuance of the war in which His Majesty is at the commencement of this Act engaged and for a period of six months thereafter such member or person accepts or holds or has at any time since the third day of September, one thousand nine hundred and thirty-nine, accepted or held—

(a) any office or place in the Naval, Military, or Air Forces of the Commonwealth of Australia or in the Naval, Military, or Air Forces of the United Kingdom or of any other part of His Majesty's dominions;

(b) any office or place of profit or other employment from or under the Crown (whether in right of the Commonwealth or of any State or of the United Kingdom or of any other part of His Majesty's dominions)—

(i) provided for by or under the National Security Act, 1939, or by or under that Act as amended at any time or by or under any regulations made under that Act, or under that Act as so amended, or by or under any order or rule made under any such regulations; or

(ii) which the Minister of State for Defence certifies, by writing under his hand, is, in his opinion, connected with the defence of the Commonwealth or the efficient prosecution of the war,

or receives, or has since the third day of September, one thousand nine hundred and thirty-nine, received any pay or allowance in respect of or in connection with any such office, place, or employment;

(2) that such member or person accepts or holds or has at any time since the third day of September, one thousand nine hundred and thirty-nine, accepted or held any pension in respect of or arising out of his service since the third day of September, one thousand nine hundred and thirty-nine, in any Force hereinbefore referred to in this section.