

WESTERN AUSTRALIA

**CONSTITUTION ACTS  
AMENDMENT ACT 1899**

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Reprinted under the *Reprints Act 1984* as at 16 March 1989.

WESTERN AUSTRALIA

CONSTITUTION ACTS  
AMENDMENT ACT 1899

AN ACT to amend the Constitution Act 1889, and to amend and consolidate the Acts amending the same.

WHEREAS by the *Constitution Act 1889*, it is provided that the Legislature of Western Australia shall have full power and authority from time to time to repeal or alter any of the provisions of the said Act: And whereas it is expedient to amend the said Act and to amend and consolidate the Acts amending the same: Be it therefore enacted by the Queen'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:—

**Short title**

1. This Act may be cited as the *Constitution Acts Amendment Act 1899*<sup>1</sup>.

**Repeal**

2. The enactments mentioned in the First Schedule are thereby repealed to the extent therein stated.

**Interpretation****3.** For the purposes of this Act—

“Her Majesty” means, when not repugnant to the context, Her Majesty, her heirs and successors.

“Governor in Council” means the Governor acting with the advice of the Executive Council.

“Minister” means the Minister charged with the execution of this Act.

“Treasurer” means the Treasurer of the State for the time being.

“Person” means an individual of either sex.

[*Section 3 amended by No. 7 of 1920 s. 2; No. 46 of 1963 s. 8; No. 59 of 1978 s. 9.*]

**Division of Act into Parts****4.** [*Section 4 omitted under the Reprints Act 1984 section 7 (4) (d).*]**PART I—LEGISLATURE***Legislative Council***Constitution of Legislative Council**

**5.** The Legislative Council shall consist of 34 elected members who shall be returned and sit for electoral regions as defined under section 6.

[*Section 5 inserted by No. 40 of 1987 s. 6.*]

**Electoral regions and representation**

**6.** (1) The State shall be divided into 6 electoral regions under the *Electoral Distribution Act 1947*.

(2) The electoral regions known, respectively, as the North Metropolitan Region and the South West Region shall each return 7 members to serve in the Legislative Council.

(3) The electoral regions known, respectively, as the South Metropolitan Region, the East Metropolitan Region, the Agricultural Region and the Mining and Pastoral Region shall each return 5 members to serve in the Legislative Council.

[*Section 6 inserted by No. 40 of 1987 s. 7.*]

### **Qualification of members of Legislative Council**

7. Subject as hereinafter provided, any person who has resided in Western Australia for one year shall be qualified to be elected a member of the Legislative Council, if such person is of the full age of 18 years, and not subject to any legal incapacity, and who is either an elector entitled to vote at an election of a member of the Legislative Assembly, or is qualified to become such an elector.

*[Section 7 amended by No. 7 of 1920 s. 2; No. 48 of 1962 s. 2; No. 72 of 1963 s. 4; No. 52 of 1973 s. 3; No. 8 of 1983 s. 3.]*

### **Retirement of members periodically**

8. (1) In this section—

“general election” means a general election for the Legislative Council;

“member” means a member of the Legislative Council.

(2) The seat of a member elected at a general election shall become vacant at the expiration of the period of 4 years beginning on 22 May next following the day of his election as member.

(3) A member elected at a general election shall not sit or vote before 22 May next following the day of his election as member.

(4) Where an election held as part of a general election fails wholly or partially or is declared to be absolutely void—

(a) the seat of a member elected at an election held by reason of that failure or declaration shall become vacant at the expiration of the period of 4 years beginning on 22 May next following that general election; and

(b) if a member elected at an election held by reason of that failure or declaration is so elected before 22 May next following that general election, that member shall not sit or vote before that 22 May.

(5) Subsections (2) and (4) (a) do not affect the operation of any enactment under which a member may cease to be a member, or the seat of a member may become vacant, otherwise than by effluxion of time.

(6) In order to fill seats vacated by effluxion of time writs for elections in all the electoral regions—

(a) shall be issued before 10 April last preceding the occurrence of those vacancies but not more than one year before the occurrence of those vacancies; and

(b) shall be returnable not later than 21 May next following that 10 April.

*[Section 8 inserted by No. 40 of 1987 s. 8.]*

**Provisions as to existing members and seats**

**8A.** (1) In this section—

“electoral province” means one of the electoral provinces described in the Order in Council published under the *Electoral Districts Act 1947* in the *Gazette* on 20 January 1982;

“Electoral Reform Act” means the *Acts Amendment (Electoral Reform) Act 1987*;

“member” means a member of the Legislative Council.

(2) Notwithstanding section 5 or 6 the members immediately before the commencement of the Electoral Reform Act shall, until the close of 21 May 1989, continue to be members and to represent the electoral provinces by which they were returned.

(3) Notwithstanding section 5 or 6 where there is a vacancy in the seat of a member immediately before the commencement of the Electoral Reform Act or a vacancy occurs in the seat of a member after that commencement and before 1 January 1989—

- (a) the *Electoral Act 1907* and the regulations thereunder shall have effect in relation to that vacancy as if the Electoral Reform Act had not been enacted; and
- (b) the member elected to fill the vacancy shall, until the close of 21 May 1989, represent the electoral province by which he is returned.

(4) Notwithstanding section 8 (2) or 10 the seat of each member referred to in subsection (2) or (3) (b) shall become vacant at the close of 21 May 1989.

(5) Subsections (2), (3) (b) and (4) do not affect the operation of any enactment under which a member may cease to be a member, or the seat of a member may become vacant, otherwise than by effluxion of time.

(6) Writs for the first elections in all the electoral regions—

- (a) shall be issued before 10 April 1989 but not before 22 May 1988; and
- (b) shall be returnable not later than 21 May 1989.

[Section 8A inserted by No. 40 of 1987 s. 9.]

[8B. Section 8B repealed by No. 40 of 1987 s. 10.]

### **Resignation of members**

9. Any member of the Legislative Council may resign his seat therein, by writing under his hand addressed to the President, or if there be no President, or if the President is absent from the State, to the Governor, and upon the receipt of such resignation by the President or the Governor, as the case may be, the seat of such member shall become vacant.

*[Section 9 amended by No. 46 of 1963 s. 8.]*

### **Tenure of seat by member filling vacancy**

10. (1) A member of the Legislative Council elected to fill any vacancy arising otherwise than by effluxion of time shall hold the seat during the unexpired portion of the term for which the previous member would have been entitled to hold it, and no longer.

(2) Subsection (1) does not affect the operation of any enactment under which a member may cease to be a member, or the seat of a member may become vacant, otherwise than by effluxion of time.

*[Section 10 amended by No. 40 of 1987 s. 11.]*

### **Election of President**

11. Whenever the office of President of the Legislative Council becomes vacant, the Council at their first meeting thereafter shall elect one of their members to be President, and the President so elected shall preside at all meetings of the Council:

Provided that pending such first meeting the Chairman of Committees shall fill the office and perform the duties of the President, subject, however, to section 13.

*[Section 11 amended by No. 32 of 1954 s. 2.]*

### **Absence of President provided for**

12. In case of the absence of the President upon leave of absence granted to him by the Legislative Council, or by reason of illness or other unavoidable cause, the Chairman of Committees shall fill the office and perform the duties of the President during such absence.

*[Section 12 amended by No. 32 of 1954 s. 3.]*

### **President to hold office in certain cases until meeting of Parliament**

13. The member of the Legislative Council holding office as the President thereof who shall vacate his seat by periodical retirement when the Council is not in session, shall continue in office and be deemed to be the President of the said Council until the next meeting of Parliament, unless he shall not be re-elected a member of the said Council; but nothing in this section shall enable a President hereby continued in office to preside at any meeting of the said Council.

### **Quorum—division, casting vote**

14. The presence of at least one-third of the members of the Legislative Council, exclusive of the President, shall be necessary to constitute a quorum for the despatch of business; and all questions which shall arise in the Legislative Council shall be decided by a majority of votes of the members present, other than the President, and when the votes are equal the President shall have the casting vote: Provided always, that if the whole number of members constituting the Legislative Council shall not be exactly divisible by 3, the quorum of the Legislative Council shall consist of such whole number as is next greater than one-third of the members of the Legislative Council.

### **Qualification and disqualification of electors**

15. Subject to the disqualifications prescribed by section 18 of the *Electoral Act 1907*, the qualification of electors of members of the Legislative Council is that which is prescribed by section 17 of that Act as the qualification for electors of members of the Legislative Assembly.

[Section 15 inserted by No. 72 of 1963 s. 8.]

[16. Section 16 repealed by No. 72 of 1963 s. 9.]

[17. Section 17 repealed by No. 72 of 1963 s. 10.]

*Legislative Assembly*

### **Constitution of Legislative Assembly**

18. The Legislative Assembly shall consist of—

- (a) 55 members until the dissolution of that House or the expiry thereof by effluxion of time first occurring after 31 December 1982; and
- (b) 57 members thereafter.

[Section 18 inserted by No. 13 of 1981 s. 6.]



### **Electoral districts**

**19.** The State shall be divided into—

- (a) 55 electoral districts until the dissolution of the Legislative Assembly or the expiry thereof by effluxion of time first occurring after 31 December 1982; and
- (b) 57 electoral districts thereafter, under the provisions of the *Electoral Distribution Act 1947*<sup>2</sup>, each returning one member to serve in the Legislative Assembly.

[Section 19 inserted by No. 13 of 1981 s. 7.]

### **Qualification of members of Legislative Assembly**

**20.** Subject as hereinafter provided any person who has resided in Western Australia for 12 months shall be qualified to be elected a member of the Legislative Assembly, if such person is of the full age of 18 years and not subject to any legal incapacity, and who is either an elector entitled to vote at an election of a member of the Legislative Assembly or is qualified to become such an elector.

[Section 20 amended by No. 7 of 1920 s. 2; No. 48 of 1962 s. 4; No. 52 of 1973 s. 4; No. 8 of 1983 s. 4.]

### **Duration of Assembly**

**21.** (1) Every Legislative Assembly shall exist and continue for 4 years from the day of the first meeting thereof and no longer; subject, nevertheless, to being sooner prorogued or dissolved by the Governor.

Provided that, subject as aforesaid—

- (a) whenever any Legislative Assembly would expire by the effluxion of time between the last day of August of any year and the first day of February next thereafter, such Legislative Assembly shall continue up to and including the day next preceding such first day of February and no longer; and
- (b) whenever the Legislative Assembly would expire by effluxion of time between the last day of January and the first day of September of any year, such Legislative Assembly shall cease and determine on the last day of January of that year.

(2) [Omitted under the Reprints Act 1984 s. 7 (4) (g).]

[Section 21 amended by No. 48 of 1919 s. 2; No. 40 of 1987 s. 12.]

### **Absence of Speaker provided for**

**22.** In case of the absence of the Speaker upon leave of absence granted to him by the Legislative Assembly, or by reason of illness, or other unavoidable cause, the Chairman of Committees shall perform the duties and exercise the authority of Speaker in relation to all proceedings of the House as Deputy Speaker; and, in the absence of the Chairman of Committees, the Assembly shall thereupon elect some other member to fill the office and perform the duties of the Speaker during such absence.

### **Speaker to hold office till meeting of new Parliament unless not re-elected**

23. In case of any dissolution of Parliament the Speaker of the Legislative Assembly at the time of such dissolution shall continue in office and shall be deemed to be the Speaker of the said Assembly until the first meeting of the new Parliament, unless he shall not be re-elected a member of the said Assembly; but nothing in this section shall enable a Speaker hereby continued in office to preside at any meeting of the said Assembly.

### **Quorum—division, casting vote**

24. The presence of at least one-third of the members of the Legislative Assembly, exclusive of the Speaker, shall be necessary to constitute a quorum for the despatch of business; and all questions which shall arise in the Legislative Assembly shall be decided by a majority of votes of the members present, other than the Speaker, and when the votes shall be equal the Speaker shall have the casting vote: Provided always, that if the whole number of members constituting the Legislative Assembly shall not be exactly divisible by 3, the quorum of the Legislative Assembly shall consist of such whole number as is next greater than one-third of the members of the Legislative Assembly.

### **Resignation of members**

25. Any member of the Legislative Assembly may resign his seat therein, by writing under his hand, addressed to the Speaker, or if there be no Speaker, or if the Speaker is absent from the State, to the Governor, and upon the receipt of such resignation by the Speaker or the Governor, as the case may be, the seat of such member shall become vacant.

[Section 25 amended by No. 46 of 1963 s. 8.]

[26., 27., 28. Sections 26, 27 and 28 repealed by No. 27 of 1907 s. 211.]

### *General*

[29., 30. Sections 29 and 30 repealed by No. 27 of 1907 s. 211.]

### **Interpretation**

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;

“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.

[Section 31 inserted by No. 78 of 1984 s. 8.]

### **Disqualification by reason of bankruptcy or convictions**

**32.** A person is disqualified for membership of the Legislature if he—

- (a) be an undischarged bankrupt, or a debtor against whose estate there is a subsisting receiving order in bankruptcy; or
- (b) has been in any part of Her Majesty’s dominions attainted or convicted of treason or felony.

[Section 32<sup>3</sup> amended by No. 111 of 1975 s. 2; renumbered and amended by No. 78 of 1984 s. 9.]

### **Holders of offices or places not disqualified except under sections 34 to 42**

**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.

[Section 33 inserted by No. 78 of 1984 s. 10.]

**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.

*[Section 34 inserted by No. 78 of 1984 s. 10.]*

**Election of unqualified or disqualified person void**

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

(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.

*[Section 35 inserted by No. 78 of 1984 s. 10.]*

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

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

- (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.

(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.

(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.

[Section 36 inserted by No. 78 of 1984 s. 10.]

**Office or place vacated in certain cases**

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

- (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 37 inserted by No. 78 of 1984 s. 10.]

**Seats in Parliament vacated in certain cases**

**38.** Subject to any resolution passed by the Legislature under section 39, if any member of the Legislature, after his election—

- (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; or
- (d) takes the benefit, whether by assignment, composition, or otherwise, of any law relating to bankrupt or insolvent debtors; or
- (e) becomes of unsound mind; or
- (f) takes any oath or makes any declaration or acknowledgment of allegiance, obedience, or adherence, to any foreign Prince or Power, or does, concurs in, or adopts any act whereby he may become a subject or citizen of any foreign State or Power, or whereby he may become entitled to the rights, privileges, or immunities of a subject or citizen of any foreign State or Power; or
- (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,

his seat shall thereupon become vacant.

[Section 38 amended by No. 4 of 1947 s. 2 (as amended by No. 46 of 1963 s. 10); No. 12 of 1948 s. 3 (as amended by No. 46 of 1963 s. 10); No. 111 of 1969 s. 2; No. 15 of 1975 s. 2; No. 78 of 1984 s. 11.]

**Provision for relief**

**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 of place—

- (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 sections 67 (2) and (3) and 156B (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.

[Section 39 inserted by No. 78 of 1984 s. 12; amended by No. 40 of 1987 s. 13.]

[**39A., 39B., 39C.** Sections 39A, 39B and 39C repealed by No. 78 of 1984 s. 12.]

**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.

[Section 40 inserted by No. 78 of 1984 s. 12.]

**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.

[Section 41 inserted by No. 78 of 1984 s. 12.]

[41A. Section 41A repealed by No. 78 of 1984 s. 12.]

**Power to amend Schedule V**

42. (1) Subject to subsection (2), the Governor may, by Order in Council, 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, 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 42 inserted by No. 78 of 1984 s. 12.]



PART II—EXECUTIVE

**Principal executive offices**

43. (1) There may be 17 principal executive offices of the Government liable to be vacated on political grounds, and no more.

(2) The said offices shall be such 17 offices as shall be designated and declared by the Governor in Council, from time to time, to be the 17 principal executive offices of the Government for the purposes of this Act.

(3) One at least of such executive offices shall always be held by a member of the Legislative Council.

[Section 43 amended by No. 25 of 1927 s. 2; No. 2 of 1950 s. 2; No. 2 of 1965 s. 3; No. 86 of 1975 s. 3; No. 5 of 1980 s. 3; No. 10 of 1986 s. 3.]

**No person to draw salaries for 2 offices**

44. If any person accepts any 2 or more of the offices liable to be vacated on political grounds, it shall not be competent for him to receive the salary of more than one office.

**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.

[Section 44A inserted by No. 78 of 1984 s. 13.]

**Amount payable out of Consolidated Revenue Fund**

45. There shall be payable to Her Majesty, out of the Consolidated Revenue Fund, for defraying the expenses of the services and purposes set forth in the Fourth Schedule, the amounts prescribed in that Schedule which amounts shall be payable, and shall be issued by the Treasurer in discharge of such warrants as shall from time to time be directed to him under the hand of the Governor.

[Section 45 amended by No. 25 of 1927 s. 3; No. 52 of 1947 s. 4; No. 17 of 1949 s. 3; No. 2 of 1950 s. 2; No. 48 of 1955 s. 2.]

## PART III—MISCELLANEOUS

**Powers of the 2 Houses in respect of legislation**

46. (1) Bills appropriating revenue or moneys, or imposing taxation, shall not originate in the Legislative Council; but a Bill shall not be taken to appropriate revenue or moneys, or to impose taxation, by reason only of its containing provisions for the imposition or appropriation of fines or other pecuniary penalties, or for the demand of payment or appropriation of fees for licences, or fees for registration or other services under the Bill.

(2) The Legislative Council may not amend Loan Bills, or Bills imposing taxation, or Bills appropriating revenue or moneys for the ordinary annual services of the Government.

(3) The Legislative Council may not amend any Bill so as to increase any proposed charge or burden on the people.

(4) The Legislative Council may at any stage return to the Legislative Assembly any Bill which the Legislative Council may not amend, requesting by message the omission or amendment of any item or provision therein: provided that any such request does not increase any proposed charge or burden on the people. The Legislative Assembly, may if it thinks fit, make such omissions or amendments, with or without modifications.

(5) Except as provided in this section, the Legislative Council shall have equal power with the Legislative Assembly in respect of all Bills.

(6) A Bill which appropriates revenue or moneys for the ordinary annual services of the Government shall deal only with such appropriation.

(7) Bills imposing taxation shall deal only with the imposition of taxation.

(8) A vote, resolution, or Bill for the appropriation of revenue or moneys shall not be passed unless the purpose of the appropriation has in the same session been recommended by message of the Governor to the Legislative Assembly.

(9) Any failure to observe any provision of this section shall not be taken to affect the validity of any Act whether enacted before or after the coming into operation of the *Constitution Acts Amendment Act 1977*<sup>1</sup>.

[Section 46 inserted by No. 34 of 1921 s. 2; amended by No. 63 of 1950 s. 2; No. 28 of 1977 s. 2.]

[47., 47A. Sections 47 and 47A repealed by No. 40 of 1987 s. 14.]

**Revision or compilation of electoral rolls upon commencement of Act**

48. [Section 48 omitted under the Reprints Act 1984 s. 7(4)(e).]

**Commencement of action**

49. No action or other proceeding to recover any forfeiture, penalty, or sum of money under this Act shall be commenced except within 3 months after the time at which the right to bring such action or to take such proceeding first arose.

**Plaintiff to give security for costs**

50. No action or other proceeding for the recovery of any penalty, forfeiture, or sum of money in respect of the breach or violation of any of the provisions of this Act shall be commenced unless and until the plaintiff shall pay into Court the sum of \$200 as security for all such costs as may be awarded to the defendant in such action or proceeding, and such sum shall abide the order of the Court or a Judge.

[Section 50 amended by No. 113 of 1965 s. 8 (1).]

**No action to lie against officials of either House**

51. No action or other legal proceedings shall lie or be maintained against the President of the Legislative Council, or the Speaker of the Legislative Assembly, or against the Chairman of Committees, or other officer of either House of Parliament, or any member of the Police Force, for anything done by, or under the warrant, or by the direction of, such President, Speaker, or other officer, under or purporting to be under the standing orders or other the order or resolution of the House in which he presides, or of which he is an officer, as the case may be, or under or purporting to be under the provisions of "An Act for defining the Privileges, Immunities, and Powers of the Legislative Council and Legislative Assembly of Western Australia, respectively<sup>4</sup>".

**Proclamation of Royal Assent and commencement of Act**

52<sup>1</sup>. This Act shall be proclaimed in Western Australia by the Governor so soon as he shall have received a notification by telegraph or otherwise of the Royal Assent thereto, and shall commence and take effect from the date of the publication of such Proclamation, but the constitution of the existing Legislative Assembly shall remain unaffected by this Act until the said Assembly is dissolved by effluxion of time or otherwise.

## SCHEDULE I

Section 2

*Enactments Repealed*

Session and Number	Extent of Repeal
52 Vict., No. 23 .....	Sections 14, 18 to 21 inclusive, 23 to 30 inclusive, and 32, 33 and 40
54 Vict., No. 6 .....	The Whole
55 Vict., No. 32 .....	Section 30, subsections (1a) and (4); Section 31
56 Vict., No. 17 .....	The Whole
57 Vict., No. 14 .....	The Whole
58 Vict., No. 15 .....	The Whole
60 Vict., No. 18 .....	The Whole

[*SCHEDULE II—Schedule II repealed by No. 46 of 1963, s. 9.*]

## SCHEDULE III

Section 30

[*Schedule III omitted under Reprints Act 1984 s. 7 (4) (e).*]

## SCHEDULE IV

Section 45

Governor—

On and after 2 July 1984, amounts at the rate of 70 per cent. of the rate at which the salary of the Chief Justice of Western Australia is payable for the time being or, if that office of Chief Justice is vacant, would be so payable if that office were not vacant.

[*Schedule IV inserted by No. 75 of 1984 s. 2.*]

## 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.
- Chairman of Judges or other Judge of the Family Court of Western Australia.
- Chairman, or Deputy Chairman, of the Workers' Compensation Board constituted under the *Workers' Compensation and Assistance Act 1981*.
- Liquor Licensing Court Judge appointed under the *Liquor Act 1970*<sup>5</sup>.
- Chief Stipendiary Magistrate or other stipendiary magistrate appointed under the *Stipendiary Magistrates Act 1957*.
- Industrial Magistrate appointed under the *Industrial Relations Act 1979*<sup>6</sup>.
- 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 Relations Commission<sup>7</sup>.
- Chief Commissioner<sup>7</sup>, Senior Commissioner or other Commissioner of The Western Australian Industrial Relations Commission<sup>7</sup>.
- 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 Division 2 of Part IIA of the *Industrial Relations Act 1979*<sup>7</sup>.
- Chairman, or deputy of the Chairman, of the Government School Teachers' Tribunal established under Division 1 of Part IIA of the *Industrial Relations Act 1979*<sup>7</sup>.
- Chairman, or deputy of the Chairman, of the Railways Classification Board established under Division 3 of Part IIA of the *Industrial Relations Act 1979*<sup>7</sup>.

## Division 2

Auditor General appointed under the *Audit Act 1904*<sup>8</sup>.

Chief executive officer of a department or organization within the meaning of the *Public Service Act 1978*.

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*.

Electoral Commissioner or Deputy Electoral Commissioner appointed under the *Electoral Act 1907*.

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 established under Division 1 of Part IIA of the *Industrial Relations Act 1979*<sup>7</sup>.

Member, or deputy of a member, of the Railways Classification Board, established under Division 3 of Part IIA of the *Industrial Relations Act 1979*<sup>7</sup>.

## Division 2

The office or place of—

Any person employed in a department or organization within the meaning of the *Public Service Act 1978* that is to say—

- (a) any person employed in—
  - (i) that department who is an officer; or
  - (ii) that organization who is a member of the Senior Executive Service,  
within the meaning of that Act;
- (b) any person appointed or employed by the Governor under any Act administered in that department or organization;  
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 or organization;
  - (iv) the chief executive officer of that department or organization; or
  - (v) a person in that department or organization 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.

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*<sup>9</sup>.
- The Albany Port Authority constituted under the *Albany Port Authority Act 1926*.
- 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*<sup>10</sup>.
- 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 Gold Banking Corporation constituted under the *Gold Banking Corporation Act 1987*.
- 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 Minerals and Energy Research Institute of Western Australia constituted under the *Minerals and Energy Research Act 1987*.
- The board of directors of The Rural and Industries Bank of Western Australia constituted under *The Rural and Industries Bank of Western Australia Act 1987*.
- 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*.
- The Board of management of the Metropolitan Water Authority constituted under the *Metropolitan Water Authority Act 1982*<sup>11</sup>.
- 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 Sports Centre Trust constituted under the *Western Australian Sports Centre Trust Act 1986*.
- Any board of reference constituted under the *Construction Safety Act 1972* or the *Machinery Safety Act 1974*<sup>12</sup>.
- The Board of Secondary Education constituted under the *Education Act 1928*<sup>13</sup>.

- 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*<sup>14</sup>.
- 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*.
- The Chicken Meat Industry Committee continued by the *Chicken Meat Industry Act 1977*.
- The Chiropodists Registration Board constituted under the *Chiropodists Act 1957*<sup>15</sup>.
- 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*<sup>16</sup>.
- 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*<sup>9</sup>.

- The Construction Safety Advisory Board constituted under the *Construction Safety Act 1972*<sup>12</sup>.
- 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*<sup>14</sup>.
- 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*.
- The Distressed Persons Relief Trust constituted by the *Distressed Persons Relief Trust Act 1973*<sup>17</sup>.
- 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*<sup>18</sup>.
- The Environmental Protection Authority established under the *Environmental Protection Act 1971*<sup>19</sup>.
- The Esperance Port Authority established by the *Esperance Port Authority Act 1968*.
- 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*.

The Health Education Council of Western Australia constituted under the *Health Education Council Act 1958*<sup>17</sup>.

Any honorary advisory committee appointed under regulation 3 of the *Rights in Water and Irrigation Act Regulations 1941*<sup>20</sup>.

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*<sup>21</sup>.

The Inventions Advisory committee established by the *Inventions Act 1975*.

Any irrigation board constituted under the *Rights in Water and Irrigation Act 1914*<sup>11</sup>.

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*.

- The Legislative Review and Advisory Committee established under the *Legislative Review and Advisory Committee Act 1976*<sup>22</sup>.
- 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*<sup>12</sup>.
- 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*<sup>23</sup>.
- The Mines Survey Board established under the *Mines Regulation Act 1946*.
- The Mine Workers' Relief Board constituted by the *Mine Workers' Relief Act 1932*<sup>24</sup>.
- The Mining and Petroleum Advisory Committee established under the *Mining and Petroleum Research Act 1981*<sup>25</sup>.
- 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*.
- 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*<sup>26</sup>.
- The Noise Abatement Advisory Committee established by the *Noise Abatement Act 1972*<sup>12</sup>.

- The Noise and Vibration Control Council established by the *Noise Abatement Act 1972*<sup>12</sup>.
- 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 Appraisal Board constituted under the *Land Act 1933*<sup>27</sup>.
- 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*.
- 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*<sup>28</sup>.
- 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 Shops Advisory Committee established under the *Retail Trading Hours Act 1987*.
- 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 Scheme Act 1971*<sup>29</sup>.
- 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*.
- 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*<sup>30</sup>.
- 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*<sup>31</sup>.
- The Taxi Control Board constituted under the *Taxi-cars (Co-ordination and Control) Act 1963*<sup>32</sup>.
- 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*<sup>23</sup>.
- The Traffic Board established under the *Road Traffic Act 1974*.
- Any Transport Strategy Committee established under the *State Transport Co-ordination Act 1981*<sup>33</sup>.
- The Trustees of the Karrakatta Cemetery appointed under the *Cemeteries Act 1897*<sup>34</sup>.
- The Trustees of the Technical Education Division Self Supporting Activities appointed under regulation 240 of the *Education Act Regulations 1960*.
- The Urban Lands Council<sup>35</sup> 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*<sup>36</sup>.
- 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*<sup>37</sup>.
- 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*<sup>38</sup>.
- 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 Technology and Industry Advisory Council established under the *Technology and Industry 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*<sup>39</sup>.
- 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*<sup>40</sup>.
- The Zoological Gardens Board established under the *Zoological Gardens Act 1972*.

[Schedule V inserted by No. 78 of 1984 s. 14; amended by No. 97 of 1986 s.40 No. 101 of 1986 s. 23; No. 21 of 1987 s. 11; No. 32 of 1987 s. 36; No. 40 of 1987 s. 15; No. 83 of 1987 s. 38; No. 88 of 1987 s. 20; No. 89 of 1987 s. 43; No. 99 of 1987 s. 79; No. 113 of 1987 s. 32 (Schedule 2, item 2); No. 114 of 1987 s. 12.]

## NOTES

<sup>1</sup> This reprint is a compilation as at 16 March 1989 of the *Constitution Acts Amendment Act 1899* and includes all amendments effected by the other Acts referred to in the following Table<sup>41</sup>.

Table of Acts

Act	Number and Year	Assent	Commencement	Miscellaneous
<i>Constitution Acts Amendment Act 1899</i>	63 Vict. No. 19	Reserved for Royal Assent 16 December 1899	18 May 1900 (see section 52 and <i>Gazette</i> 18 May 1900 p. 1686)	
An Act to correct certain errors in the <i>Constitution Acts Amendment Act 1899</i>	2 of 1900	25 September 1900	25 September 1900	Repealed by Act No. 10 of 1970
<i>Electoral Act 1904</i> , section 14	20 of 1904	Reserved for Royal Assent 16 January 1904	22 April 1904 (see <i>Interpretation Act 1918</i> section 8 and <i>Gazette</i> 22 April 1904 p. 1047)	
<i>Electoral Act 1907</i> , section 211	27 of 1907	20 December 1907	20 December 1907	
<i>Constitution Acts Amendment Act 1911</i>	31 of 1911	16 February 1911	16 February 1911	
<i>Legislative Assembly Duration Act 1919</i> , section 2	48 of 1919	17 December 1919	17 December 1919	
<i>Parliament (Qualification of Women) Act 1920</i> , section 2(2)	7 of 1920	3 November 1920	3 November 1920	
<i>Constitution Act Amendment Act 1921</i> , section 2	34 of 1921	30 December 1921	30 December 1921	
<i>Constitution Act Amendment Act 1927</i>	25 of 1927	14 December 1927	14 December 1927	
<i>Constitution Acts Amendment Act 1933</i> (as amended by No. 46 of 1963 section 10)	25 of 1933	1 December 1933	1 December 1933	
<i>Constitution Acts Amendment Act 1934</i>	40 of 1934	4 January 1935	4 January 1935	
<i>Constitution Acts Amendment Act 1942</i> (as amended by No. 46 of 1963 section 10)	29 of 1942	23 December 1942	23 December 1942	

Act	Number and Year	Assent	Commencement	Miscellaneous
<i>Constitution Acts Amendment Act (No. 4) 1945</i>	52 of 1945	30 January 1946	30 January 1946	
<i>Constitution Acts Amendment Act (No. 1) 1947</i>	2 of 1947	26 September 1947	14 December 1927 (see section 3)	
<i>Constitution Acts Amendment (Re-election of Ministers) Act 1947 (as amended by No. 46 of 1963 section 10)</i>	4 of 1947	2 October 1947	2 October 1947	
<i>Acts Amendment (Allowances and Salaries Adjustment) Act 1947, section 4</i>	52 of 1947	19 December 1947	19 December 1947	
<i>Constitution Acts Amendment Act (No. 1) 1948 (as amended by No. 46 of 1963 section 10)</i>	12 of 1948	11 November 1948	12 June 1947 (see section 4)	
<i>Acts Amendment (Increase in number of Judges of the Supreme Court) Act 1949, sections 3 and 4 (as amended by No. 35 of 1950 section 4)</i>	17 of 1949	24 September 1949	24 September 1949	Commencement date amended by Act No. 35 of 1950 in The Schedule
<i>Acts Amendment (Increase in number of Ministers of the Crown) Act 1950, section 2</i>	2 of 1950	24 October 1950	24 October 1950	
<i>Judges Salaries and Pensions Act 1950, section 4</i>	35 of 1950	16 December 1950	16 December 1950	
<i>Constitution Acts Amendment Act (No. 2) 1950 (as amended by No. 46 of 1963 section 10)</i>	45 of 1950	18 December 1950	18 December 1950	
<i>Constitution Acts Amendment Act (No. 4) 1950</i>	63 of 1950	29 December 1950	29 December 1950	
<i>Constitution Acts Amendment Act (No. 2) 1954</i>	32 of 1954	18 November 1954	18 November 1954	
<i>Constitution Acts Amendment Act 1955</i>	34 of 1955	28 November 1955	28 November 1955	
<i>Constitution Acts Amendment Act (No. 3) 1955</i>	48 of 1955	Reserved for Royal Assent 9 December 1955 Assented to 25 January 1956	4 May 1956 (see <i>Interpretation Act 1918</i> section 8 and <i>Gazette</i> 4 May 1956 p. 1147)	
<i>Constitution Acts Amendment Act 1958</i>	2 of 1958	19 September 1958	19 September 1958	

Act	Number and Year	Assent	Commencement	Miscellaneous
<i>Constitution Acts Amendment Act (No. 3) 1959</i>	71 of 1959	Reserved for Royal Assent 10 December 1959 Assented to 8 February 1960	25 March 1960 (see <i>Interpretation Act 1918</i> section 8 and <i>Gazette</i> 25 March 1960 p. 883)	
<i>Constitution Acts Amendment Act (No. 2) 1962</i>	48 of 1962	20 November 1962	20 November 1962	
<i>Constitution Acts Amendment and Revision Act 1963</i>	46 of 1963	3 December 1963	3 December 1963	
<i>Constitution Acts Amendment Act (No. 2) 1963</i>	72 of 1963	17 December 1963	26 March 1964 (see <i>Gazette</i> 6 March 1964 p. 993)	
<i>Constitution Acts Amendment Act 1965</i>	2 of 1965	13 August 1965	13 August 1965	
<i>Constitution Acts Amendment Act (No. 2) 1965</i>	49 of 1965	8 November 1965	12 November 1965 (see <i>Gazette</i> 12 November 1965 p. 3913)	
<i>Constitution Acts Amendment Act (No. 3) 1965</i>	105 of 1965	Reserved for Royal Assent 20 December 1965 Assented to 10 March 1966	29 April 1966 (see <i>Interpretation Act 1918</i> section 8 and <i>Gazette</i> 29 April 1966 p. 1017)	
<i>Decimal Currency Act 1965</i>	113 of 1965	21 December 1965	Sections 4 to 9: 14 February 1966 (see section 2(2)); balance 21 December 1965	
<i>Constitution Acts Amendment Act 1969</i>	111 of 1969	Reserved for Royal Assent 25 November 1969 Assented to 4 February 1970	20 March 1970 (see <i>Interpretation Act 1918</i> section 8 and <i>Gazette</i> 20 March 1970 p. 843)	
<i>Constitution Acts Amendment Act 1972</i>	9 of 1972	25 May 1972	25 May 1972	
<i>Constitution Acts Amendment Act 1973</i>	52 of 1973	6 November 1973	1 January 1974 (see <i>Gazette</i> 28 December 1973 p. 4725)	
<i>Constitution Acts Amendment Act 1974</i>	30 of 1974	Reserved for Royal Assent 1 November 1974 Assented to 4 December 1974	28 February 1975 (see <i>Interpretation Act 1918</i> section 8 and <i>Gazette</i> 28 February 1975 p. 719)	
<i>Constitution Acts Amendment Act 1975</i>	15 of 1975	9 May 1975	9 May 1975	
<i>Constitution Acts Amendment Act (No. 2) 1975</i>	71 of 1975	7 November 1975	7 November 1975	

Act	Number and Year	Assent	Commencement	Miscellaneous
<i>Constitution Acts Amendment Act (No. 4) 1975</i>	86 of 1975	20 November 1975	20 November 1975	
<i>Constitution Acts Amendment (No. 3) Act 1975</i>	111 of 1975	1 December 1975	1 December 1975	
<i>Constitution Acts Amendment Act 1977</i>	28 of 1977	31 October 1977	31 October 1977	
<i>Acts Amendment (Constitution) Act 1978, Part II</i>	59 of 1978	Reserved for Royal Assent 20 September 1978 Assented to 15 November 1978	22 December 1978 (see <i>Interpretation Act 1918</i> section 8 and <i>Gazette</i> 22 December 1978 pp. 4769-70)	
<i>Constitution Amendment Act (No. 2) 1980</i>	4 of 1980	9 September 1980	9 September 1980	
<i>Constitution Amendment Act 1980</i>	5 of 1980	9 September 1980	9 September 1980	
<i>Acts Amendment (Electoral Provinces and Districts) Act 1981, Part I</i>	13 of 1981	22 May 1981	22 May 1981	
<i>Constitution Amendment Act 1983</i>	8 of 1983	29 September 1983	26 January 1984 (see <i>Gazette</i> 20 January 1984 p. 119)	
<i>Constitution Amendment Act 1984</i>	75 of 1984	Reserved for Royal Assent 4 February 1985 Assented to 20 March 1985	14 June 1985 (see <i>Interpretation Act 1984</i> section 20(3) and <i>Gazette</i> 14 June 1985 p. 2133)	
<i>Acts Amendment and Repeal (Disqualification for Parliament) Act 1984, Part V</i>	78 of 1984	14 November 1984	1 July 1985 (see <i>Gazette</i> 17 May 1985 p. 1671)	
<i>Constitution Amendment Act 1986</i>	10 of 1986	22 July 1986	22 July 1986	
<i>Liquor Amendment Act (No. 2) 1986, Part IV</i>	97 of 1986	11 December 1986	11 February 1987 (see section 2(3) and <i>Gazette</i> 6 February 1987 p. 287)	
<i>Western Australia Sports Centre Trust Act 1986, section 23</i>	101 of 1986	12 December 1986	24 December 1986 (see <i>Gazette</i> 24 December 1986 p. 4963)	
<i>Workers' Compensation and Assistance Amendment Act 1987, section 11</i>	21 of 1987	25 June 1987	23 July 1987	
<i>Technology Development Amendment Act 1987, section 36</i>	32 of 1987	29 June 1987	30 June 1987 (see <i>Gazette</i> 30 June 1987 p. 2545)	

Act	Number and Year	Assent	Commencement	Miscellaneous
<i>Acts Amendment (Electoral Reform) Act 1987, Part III</i>	40 of 1987	12 July 1987	30 October 1987 (see <i>Gazette</i> 30 October 1987 p. 3977)	
<i>The Rural and Industries Bank of Western Australia Act 1987, section 38</i>	83 of 1987	1 December 1987	1 April 1988 (see section 2)	
<i>Solar Energy Research Amendment Act 1987, section 20</i>	88 of 1987	9 December 1987	9 December 1987	
<i>Minerals and Energy Research Act 1987, section 43</i>	89 of 1987	9 December 1987	1 February 1988 (see <i>Gazette</i> 15 January 1988 p. 67)	
<i>Gold Banking Corporation Act 1987, section 79</i>	99 of 1987	18 December 1987	30 June 1988 (see <i>Gazette</i> 30 June 1988 p. 2133)	
<i>Acts Amendment (Public Service) Act 1987, section 32</i>	113 of 1987	31 December 1987	16 March 1988 (see <i>Gazette</i> 16 March 1988 p. 813)	
<i>Acts Amendment (Retail Trading Hours) Act 1987, section 12</i>	114 of 1987	31 December 1987	1 September 1988 (see section 2 and <i>Gazette</i> 12 August 1988 p. 2695)	

<sup>2</sup>. Short title (as changed by section 86 of the *Acts Amendment (Electoral Reform) Act 1987*) substituted under section 7 (3) (h) of the *Reprints Act 1984*.

<sup>3</sup>. Formerly section 31.

<sup>4</sup>. *Parliamentary Privileges Act 1891*.

<sup>5</sup>. Now see the *Liquor Licensing Act 1988*.

<sup>6</sup>. Short title (as changed by section 4 of the *Acts Amendment and Repeal (Industrial Relations) Act (No. 2) 1984*) substituted under section 7 (3) (h) of the *Reprints Act 1984*.

<sup>7</sup>. Reference altered under section 85 (3) of the *Acts Amendment and Repeal (Industrial Relations) Act (No. 2) 1984*.

<sup>8</sup>. Now see the *Financial Administration and Audit Act 1985*.

<sup>9</sup>. Repealed by the *Acts Amendment and Repeal (Environmental Protection) Act 1986*.

<sup>10</sup>. The Artificial Breeding Board is constituted under the *Artificial Breeding of Stock Act 1965*.

<sup>11</sup>. Relevant provisions repealed by the *Acts Amendment and Repeal (Water Authorities) Act 1985*.

<sup>12</sup>. Repealed by the *Acts Amendment (Occupational Health, Safety and Welfare) Act 1987*.

<sup>13</sup>. Now refers to the Secondary Education Authority established under the *Secondary Education Authority Act 1984*—see section 37 (4) of that Act.

<sup>14</sup>. Relevant provisions repealed by the *Acts Amendment (Building Societies and Credit Unions) Act 1987*.

15. Repealed by the *Podiatrists Registration Act 1984*.
16. Repealed by *The Rural and Industries Bank of Western Australia Act 1987*.
17. Repealed by the *Acts Amendment and Repeal (Statutory Bodies) Act 1985*.
18. Now refers to an appeals committee appointed under section 45 (3) or 106 of the *Environmental Protection Act 1986*—see Schedule 3, clause 20 of that Act.
19. Now see the *Environmental Protection Act 1986*.
20. Regulation 3 repealed in *Gazette* 5 July 1985 p. 2404.
21. Repealed by the *General Insurance Brokers and Agents Act Repeal Act 1986*.
22. Repealed by the *Legislative Review and Advisory Committee Repeal Act 1987*.
23. Now refers to the State Planning Commission established by the *State Planning Commission Act 1985*—see section 65 (1) of that Act.
24. The Mine Workers' Relief Board was dissolved. See Schedule 2, paragraph 3 of the *Mine Workers' Relief Act 1932*.
25. Repealed by the *Minerals and Energy Research Act 1987*.
26. Repealed by the *Conservation and Land Management Act 1984*.
27. The Pastoral Appraisal Board was superseded by the Pastoral Board—see section 98 of the *Land Act 1933*.
28. Regulation 91 repealed in *Gazette* 24 April 1986 p. 1491.
29. Now refers to the Rural Adjustment and Finance Corporation of Western Australia preserved and continued under the *Rural Adjustment and Finance Corporation Act 1971*—see section 8 (4) of the *Rural Reconstruction and Rural Adjustment Schemes Amendment Act 1985*.
30. Relevant provisions repealed by the *Solar Energy Research Amendment Act 1987*.
31. Now refers to the Government Employees Superannuation Board established by the *Government Employees Superannuation Act 1987*—see clause 7 (1) of the 7th Schedule to the *Superannuation and Family Benefits Act 1938*.
32. Now see the *Taxi-car Control Act 1985*.
33. Repealed by the *Acts Amendment and Repeal (Transport Co-ordination) Act 1985*.
34. Repealed by the *Cemeteries Act 1986*. The former body corporate continued under the name "Karrakatta Cemetery Board"—see Schedule 2, clause 4 of that Act.
35. Now known as "Landbank".
36. Repealed by the *Western Australian Arts Council Repeal Act 1986*.
37. Now refers to the Western Australian Meat Marketing Corporation established under the *Marketing of Meat Act 1971*—see sections 5 and 41 of the *Acts Amendment (Meat Industry) Act 1985*.
38. Now refers to the Western Australian Exim Corporation established by the *Western Australian Exim Corporation Act 1986*—see section 40 of that Act.
39. The *Wheat Marketing Act 1947* expired on 31 October 1984.
40. Repealed by the *Youth, Sport and Recreation Repeal Act 1984*.
41. Marginal notes in the *Constitution Acts Amendment Act 1899* referring to the legislation from which provisions were derived have been omitted from this reprint.

