

Western Australia

**Constitution (Parliamentary Privileges)
Amendment Act 2004**

As at 03 Nov 2004

No. 41 of 2004

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Constitution (Parliamentary Privileges) Amendment Act 2004

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Constitution (Parliamentary Privileges) Amendment Act 2004

No. 41 of 2004

An Act to amend the *Constitution Act 1889* and the *Parliamentary Privileges Act 1891*.

[Assented to 3 November 2004]

The Parliament of Western Australia enacts as follows:

Part 1 — Preliminary

1. Short title

This Act may be cited as the *Constitution (Parliamentary Privileges) Amendment Act 2004*.

2. Commencement

This Act comes into operation on the day on which it receives the Royal Assent.

Part 2 — *Constitution Act 1889* amended

3. The Act amended

The amendment in this Part is to the *Constitution Act 1889**.

[* *Reprinted as at 3 July 2000.*

*For subsequent amendments see Western Australian
Legislation Information Tables for 2003, Table 1, p. 68.]*

4. Section 36 amended

Section 36 is amended by deleting “Provided that no such privileges, immunities, or powers shall exceed those for the time being held, enjoyed, and exercised by the Commons House of Parliament, or the members thereof.”.

Part 3 — *Parliamentary Privileges Act 1891* amended

5. The Act amended

The amendments in this Part are to the *Parliamentary Privileges Act 1891**.

[* *Reprinted as at 6 June 2003.*]

6. Preamble amended

The Preamble is amended by deleting all of the words from and including “Whereas” to and including “the members thereof:” and inserting instead —

“

Whereas by the *Constitution Act 1889* it is enacted that it is lawful for the Parliament of the State by any Act to define the privileges, immunities, and powers to be held, enjoyed, and exercised by the Legislative Council and Legislative Assembly and by their members:

”.

7. Section 1 replaced

Section 1 is repealed and the following section is inserted instead —

“

1. Privileges, immunities and powers of Council and Assembly

The Legislative Council and Legislative Assembly of Western Australia, and their members and committees, have and may exercise —

- (a) the privileges, immunities and powers set out in this Act; and
- (b) to the extent that they are not inconsistent with this Act, the privileges, immunities and powers by custom, statute or otherwise of the

Commons House of Parliament of the United
Kingdom and its members and committees as at
1 January 1989.

”.

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