

WESTERN AUSTRALIA

SALARIES AND ALLOWANCES AMENDMENT ACT 1995

No. 45 of 1995

**AN ACT to amend the *Salaries and Allowances Act 1975*
and for related purposes.**

[Assented to 18 October 1995]

The Parliament of Western Australia enacts as follows:

Short title

1. This Act may be cited as the *Salaries and Allowances Amendment Act 1995*.

Commencement

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

Principal Act

3. In this Act the *Salaries and Allowances Act 1975** is referred to as the principal Act.

[* *Reprinted as at 26 April 1994.*

For subsequent amendments see Acts Nos. 14 and 32 of 1994.]

Section 6C inserted

4. After section 6B of the principal Act the following section is inserted —

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Forfeiture of former office entitlements

6C. (1) In this section —

“**former office entitlement**” means an entitlement or benefit that a person would be entitled to receive in accordance with a determination under section 6B if this section did not apply;

“**holding public office**” means being the Premier of the State, a Minister of the Crown, or a member of the Legislative Assembly or Legislative Council of the State;

“**Schedule 1 offence**” means an offence prescribed in Schedule 1 or an offence that, in a particular case, is determined under subsection (2) to be a Schedule 1 offence.

(2) A court convicting a person of an offence that the person committed while holding public office may, if it considers that the person's holding public office was in any way relevant to the commission of the offence and the gravity of the offence warrants the determination, determine that, for the purposes of this section, the offence was a Schedule 1 offence even though it is not prescribed in Schedule 1.

(3) A person is disqualified from receiving any former office entitlement if —

- (a) the person is sentenced to imprisonment upon conviction of any offence other than for a term of less than 12 months; or
- (b) the person is convicted of a Schedule 1 offence that the person committed while holding public office.

(4) A former office entitlement is not to be paid or provided to a person who is disqualified under this section from receiving it except to the extent that the entitlement arose before the person was disqualified and related to a time before the person was disqualified or to anything done before the person was disqualified.

(5) The person ceases to be disqualified and the former office entitlement is restored with effect from the time when the person became disqualified if —

- (a) the person's conviction is quashed; or
- (b) if the offence was not a Schedule 1 offence that the person committed while holding public office, the sentence is quashed —
 - (i) without substituting for it another sentence of imprisonment; or

- (ii) substituting for it a sentence of imprisonment for a term ending less than 12 months after the person began serving the sentence quashed.

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Schedule 1 added

5. At the end of the principal Act the following Schedule is added —

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SCHEDULE 1 — OFFENCES

[Section 6C]

1. An offence against section 60, 61, 81, 82, 83, 85, 88, 122, 124, 169, 170, 378, 409, 414, 419, 424, 440A, 473, 529, 530, 532, 533, 534, 535, or 536 of *The Criminal Code*.
2. An offence against section 24, 25, 26, or 27 of the *Royal Commissions Act 1968*.
3. An offence against section 552, 553, 558, or 562 of *The Criminal Code* relating to an offence prescribed in item 1 or 2.

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Transitional provision

6. (1) Section 6C of the principal Act applies whether or not the offence was committed before the day when this Act commences and whether or not the person was dealt with before that day, but if the person was dealt with before that day the disqualification takes effect on that day instead of the day when the person was dealt with.

(2) For the purposes of subsection (1) a person is dealt with —

- (a) if the offence was a Schedule 1 offence committed by the person while holding public office, on the day when the person is convicted;
 - (b) in any other case, on the day when the person was sentenced.
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