

(2) This section shall be deemed to have commenced on the date of the commencement of the Principal Act.

Proceedings
before the
Tribunal.

4 Section seventeen of the Principal Act is amended—

- (a) by inserting in paragraph (b) of subsection (1) thereof, before the word “no”, the words “subject to subsection (1A) of this section,”; and
- (b) by inserting after that subsection the following subsection:—

“(1A) A legal practitioner who is a member of a service organization is entitled to appear before the Tribunal and to represent that organization in any proceedings under this Act to which that organization is a party.”

Limitation of
powers of
controlling
authorities in
respect of the
fixation of
salaries.

5—(1) Section twenty of the Principal Act is amended by inserting after subsection (12) thereof the following subsection:—

“(12A) Where a controlling authority amends or varies a salary determination in accordance with the provisions of this section and the amendment or variation is expressed to take effect on a date before the date of the making of the amendment or variation, that salary determination as so amended or varied applies, unless the amendment or variation otherwise expressly provides, to and in relation to persons who are employees on the date on which the amendment or variation takes effect, whether or not those persons cease to be employees before the date of the making of the amendment or variation.”

(2) This section shall be deemed to have commenced on the date of the commencement of the Principal Act.

CONSTITUTION (DISQUALIFICATION REMOVAL).

No. 28 of 1961.

AN ACT to make provision with respect to certain disqualifications for membership of the Legislative Council or the House of Assembly that have, or may have, arisen from certain transactions entered into by the Honourable *Ronald Herbert Brown*, the Honourable *Charles Balfour Marcus Fenton*, the Honourable *Alexander Charles Atkins*, *Eric Walter Barnard*, Esquire, *William George Wedd*, Esquire, and *Carrol Athelstone Bramich*, Esquire.

[31 October 1961.]

WHEREAS by section thirty-three of the *Constitution Act* Preamble. 1934 a person who in the circumstances specified in that section is interested in certain contracts or agreements for or on account of the public service is rendered incapable of being elected or of sitting or voting as a member of either House of Parliament:

And whereas by section thirty-five of that Act such a person who so sits or votes becomes liable to certain penalties:

And whereas by reason of the acceptance of certain advances under the *State Advances Act* 1935 doubts have arisen as to the validity of the last election of the Honourable *Ronald Herbert Brown* as a member of the Legislative Council and as to his capacity to sit and vote as a member thereof:

And whereas by reason of the acceptance of certain advances under the *State Advances Act* 1935 doubts have arisen as to the validity of the election of the Honourable *Charles Balfour Marcus Fenton* as a member of the Legislative Council and as to his capacity to sit and vote as a member thereof:

And whereas by reason of the acceptance of an advance under Part V of the *Homes Act* 1935 doubts have arisen as to the capacity of the Honourable *Charles Alexander Atkins* to sit and vote as a member of the House of Assembly:

And whereas by reason of the acceptance of an advance under Part V of the *Homes Act* 1935 doubts have arisen as to the validity of the election of *Eric Walter Barnard*, Esquire, as a member of the House of Assembly and as to his capacity to sit and vote as a member of that House:

And whereas by reason of the acceptance of an advance under Part V of the *Homes Act* 1935 doubts have arisen as to the validity of the election at certain times past of *William George Wedd*, Esquire, as a member of the Legislative Council and, after being so elected, as to his capacity to sit and vote as a member of that Council and as to the validity of his election, at certain subsequent times, as a member of the House of Assembly and as to his capacity, at certain times, to sit and vote as a member of that House:

And whereas by reason of the holding of a lease of certain land under section twenty-five of the *State Advances Act* 1935 and the purchase of certain other land under section nineteen of that Act doubts have arisen as to the validity of the election of *Carrol Athelstone Bramich*, Esquire, at certain times as a member of the House of Assembly and as to his capacity at certain times to sit and vote as a member of that House:

And whereas it is expedient that provision should be made as in this Act contained with respect to the matters aforesaid:

Be it therefore enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

1 This Act may be cited as the *Constitution (Disqualifica- Short title.
tion Removal) Act* 1961.

Removal of
disability of
Hon. R. H.
Brown.

2 Subject to this Act, the acceptance, before the commencement of this Act, by the Honourable *Ronald Herbert Brown* of any advance under the *State Advances Act 1935* or the holding or enjoyment of any advance so accepted, or any part thereof, or the entering into, carrying out, or executing of any contract or agreement in connection therewith, shall not have the effect, and shall be deemed never to have had the effect, of rendering void or of no effect his election or return at any time before the commencement of this Act as a member of the Legislative Council or of rendering his seat in that Council void or of rendering him incapable of sitting or voting as a member of that Council.

Removal of
disability of
Hon. C. B.
M. Fenton.

3 Subject to this Act, the acceptance, before the commencement of this Act, by the Honourable *Charles Balfour Marcus Fenton* of any advance under the *State Advances Act 1935* or the holding or enjoyment of any advance so accepted, or any part thereof, or the entering into, carrying out, or executing of any contract or agreement in connection therewith, shall not have the effect, and shall be deemed never to have had the effect, of rendering void or of no effect his election or return before the commencement of this Act as a member of the Legislative Council or of rendering his seat in that Council void or of rendering him incapable of sitting or voting as a member of that Council.

Removal of
disability of
Hon. A. C.
Atkins.

4 Subject to this Act, the acceptance, before the commencement of this Act, by the Honourable *Alexander Charles Atkins* of any advance under the *Homes Act 1935* or the holding or enjoyment of any advance so accepted, or any part thereof, or the entering into, carrying out, or executing of any contract or agreement in connection therewith, shall not have, and shall be deemed never to have had, the effect of rendering him incapable of sitting or voting as a member of the House of Assembly or of rendering his seat in that House void.

Removal of
disability of
Hon. W. Barnard.

5 Subject to this Act, the acceptance, before the commencement of this Act, by *Eric Walter Barnard*, Esquire, of any advance under the *Homes Act 1935* or the holding or enjoyment of any advance so accepted, or any part thereof, or the entering into, carrying out, or executing of any contract or agreement in connection therewith, shall not have, and shall be deemed never to have had, the effect of rendering void or of no effect his election or return before the commencement of this Act as a member of the House of Assembly or of rendering his seat in that House void or of rendering him incapable of sitting or voting as a member of that House.

Removal of
disability of
W. G. Wedd.

6 Subject to this Act, the acceptance, before the commencement of this Act, by *William George Wedd*, Esquire, of any advance under the *Homes Act 1935* or the holding or enjoyment of any advance so accepted, or any part thereof, or the entering into, carrying out, or executing of any contract or agreement in connection therewith, shall be deemed not to have had the effect of rendering void or of no effect his election or return, at any time before the commencement of this Act

as a member of either House of Parliament or of rendering his seat in either House of Parliament void at any time before that commencement or of rendering him at any time before that commencement incapable of sitting or voting as a member of either House of Parliament.

7 The holding by *Carrol Athelstone Bramich*, Esquire, of any lease under the *State Advances Act 1935* granted or extended before the commencement of this Act or the purchase by the said *Carrol Athelstone Bramich* before the commencement of this Act of any land under that Act or the entering into, carrying out, or executing of any contract or agreement in connection with any such lease or any such purchase shall be deemed not to have had the effect of rendering void or of no effect his election or return, at any time before the commencement of this Act, as a member of the House of Assembly or of rendering his seat in that House void at any time before that commencement or of rendering him at any time before that commencement incapable of sitting or voting as a member of that House.

8—(1) Where, but for the provisions of this Act, any of the persons referred to in the foregoing provisions of this Act would, on the commencement of this Act, have been incapable of sitting or voting as a member of either House of Parliament by reason or as a consequence of any advance under the *State Advances Act 1935* or the *Homes Act 1935* and by virtue of this Act is rendered capable of sitting and voting as a member of that House, he shall, notwithstanding anything in the foregoing provisions of this Act, be deemed to become on the first day of December 1961 incapable of sitting and voting as a member of that House unless before that date the Auditor-General certifies, in a case where that House is the Legislative Council, to the President thereof, or, in a case where that House is the House of Assembly, to the Speaker thereof, that that advance has been repaid.

(2) Where any person becomes by virtue of this section incapable of sitting and voting as a member of either House of Parliament his seat in that House thereupon becomes void.

(3) The *Constitution Act 1934* has effect in relation to any incapacity arising by virtue of subsection (1) of this section as if that incapacity were imposed by that Act.

(4) This Act does not apply to the election or return after the commencement of this Act of any person as a member of either House of Parliament or to the sitting or voting of any person as a member of either House of Parliament consequent on such an election or return.

9 Each of the persons named in the foregoing provisions of this Act is indemnified, freed, and discharged from all penal consequences to which, but for this Act, he may have become subject by sitting or voting as a member of the Legislative Council or the House of Assembly or to which, but for this Act, he may otherwise hereafter become subject by so sitting or voting.