



CONSTITUTION (DOUBTS REMOVAL) ACT 1988

No. 52 of 1988

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AN ACT to validate the election of Francis Leslie Madill as a member of the House of Assembly, to remove doubts as to his election as a member of that House, and to provide for his continuation as a Member of that House.

[Royal Assent 8 December 1988]

WHEREAS by section 33 (1) of the *Constitution Act 1934* it Preamble. is provided, among other things, that any person who undertakes, executes, holds, or enjoys, in the whole or in part, any contract or agreement with the Government of the State shall be incapable of being elected or of sitting or voting as a Member of either House of Parliament during the time he executes, holds, or enjoys any such contract or any part or share thereof or any benefit or emolument arising from the same, and that if any Member enters into any such contract or agreement, or, having entered into it, continues to hold it, his seat shall be vacant:

AND WHEREAS *Francis Leslie Madill*, a Member of this present House of Assembly, did, before his election to this House at the general election held on 8th February 1986, enter into agreements relating to his occupancy in partnership of premises owned and operated by the Crown and for the offering by him of professional medical services from those premises:

AND WHEREAS doubts have arisen whether, by reason of those agreements and the provisions of section 33 (1) of the *Constitution Act 1934*, *Francis Leslie Madill* was, on the date of his election to the House of Assembly, capable of being validly elected as a Member of that House and, after that date, was capable of continuing to sit and vote as a Member of that House:

AND WHEREAS it is desirable that those doubts should be removed:

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:—

Short title.

1—This Act may be cited as the *Constitution (Doubts Removal) Act 1988*.

Commencement.

2—This Act shall commence on the day on which it receives the Royal assent.

Validation of election of *Francis Leslie Madill*, &c.

3—Notwithstanding any law to the contrary, it is hereby declared that—

- (a) *Francis Leslie Madill* was, on 8th February 1986, capable, in all respects, of being elected as a Member of the House of Assembly;
- (b) the election of *Francis Leslie Madill* as a Member of that House at the general election of members of that House held on that day was valid and effectual for all purposes; and
- (c) after that date, *Francis Leslie Madill* was and is capable of continuing to sit and vote as a Member of that House.

4—*Francis Leslie Madill* is hereby indemnified against, and freed and discharged from, all liabilities, penalties, forfeitures, incapacities, disqualifications, and disabilities which, but for this Act, he would have incurred.

