

CONSTITUTIONAL CONVENTION.

No. 73 of 1972.

AN ACT to make provision with respect to the costs and expenses of a proposed Convention to review the Constitution of the Commonwealth and the fees and allowances to be paid to members of the Parliament of this State who are delegates to the Convention, and with respect to matters incidental thereto. [17 January 1973.]

BE it 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—(1) This Act may be cited as the *Constitutional Convention Act 1972*. Short title and commencement.

(2) This Act shall be deemed to have commenced on the fifth day of October 1972.

2 In this Act, unless the contrary intention appears—

Interpretation.

“Convention” means the convention that is referred to in the resolution;

“delegate” means a person named as a delegate to the Convention in the resolution and includes any person appointed as a delegate thereto in accordance with the resolution;

“resolution” means the resolution agreed to by both Houses of Parliament on the third day of October 1972, a copy of which is set forth in the schedule.

3—(1) Subject to this section, a delegate is entitled to receive by way of reimbursement of his expenses— Attendance fees and travelling allowances of delegates.

(a) in relation to his attendance in the discharge of his duties as a delegate, a fee at the rate of ten dollars for each attendance at a meeting of the Convention or at a meeting of delegates held in connection with the Convention; and

(b) in relation to travelling necessarily done in the discharge of his duties as a delegate, such travelling expenses and out of pocket expenses as may be prescribed.

(2) A delegate is not entitled to receive more than one fee under paragraph (a) of subsection (1) of this section in respect of any one day in relation to his attendance at a meeting to which that paragraph relates, notwithstanding that he may attend more times than once on that day.

(3) The allowances and expenses payable to delegates pursuant to this section are in addition to any remuneration payable to them under the *Parliamentary Salaries and Allowances Act 1962*.

Costs of
Convention,
&c.

4 The Treasurer may pay out of the Consolidated Revenue such amounts as are necessary to pay the allowances and expenses payable pursuant to section three.

Delegates not
disqualified
by acceptance
of allowances,
&c.

5 A delegate shall not, by reason only of receiving payment of any allowance or expenses pursuant to this Act, be deemed to hold or to have accepted an office of profit or emolument within the meaning of section thirty-two of the *Constitution Act 1934* so as to—

- (a) render him incapable of sitting or voting as a member of either House of Parliament; or
- (b) make void his election as a member of either House of Parliament.

Regulations.

6 The Governor may make regulations for the purposes of this Act.

THE SCHEDULE.

(Section 2.)

Joint resolution of both Houses of Parliament agreed to on the third day of October 1972.

That whereas the House of Assembly on 25 November 1971, resolved that recognising that the present relationships between the Commonwealth of Australia and the States call for urgent review and that a desirable and acceptable adjustment of powers and responsibilities within the Federal system can only be achieved by effective amendment to the Commonwealth Constitution, support the concept of a representative Constitutional Convention charged with the duty of preparing such amendments as it deems necessary to ensure the appropriate status of States and Commonwealth in a Federal system of government in Australia.

And whereas the Legislative Council on 3 December 1970, passed a similar Resolution.

And whereas the Parliaments of the States of Victoria, New South Wales and Western Australia have passed Resolutions appointing delegates to the Convention.

And whereas the Government of Tasmania has received indications from the Governments of the other States of Australia and the Commonwealth of Australia that they would be willing to join any Convention to review the operation of the Constitution of the Commonwealth of Australia.

And whereas it is expedient that the Parliament of Tasmania should appoint delegates to attend any such Convention:

Now therefore the Legislative Council and the House of Assembly of Tasmania further resolve—

1. That for the purposes of the proposed Convention—Twelve delegates be appointed by the Parliament of Tasmania as delegates to the proposed Convention to review the operation of the Constitution of the Commonwealth of Australia and to propose such amendments to that Constitution as they think fit, and that of the twelve delegates, five members be appointed by the Legislative Council and seven members be appointed by the House of Assembly.
2. That each appointed member of the Delegation continue as an appointed member whilst a Member of the Parliament of Tasmania or until the House by which he has been appointed otherwise determines whichever is applicable.
3. That where because of sickness or other cause an appointed member is unable to attend any one meeting of the proposed Convention—
 - (i) if the appointed member is a supporter of the Government the Premier may appoint an alternative member; and
 - (ii) if the appointed member is a supporter of the Opposition the Leader of the Opposition may appoint an alternative member; and
 - (iii) if the appointed member is an independent member of the Legislative Council an alternative member shall be appointed by resolution of the Legislative Council or appointed by the Leader for the Government for the time being; and
 - (iv) where the appointed member is not a member of either House of Parliament, the Premier may appoint an alternative member,
 and a person so appointed shall be a member of the Delegation for that meeting.
4. That the Leader of the Delegation from time to time make a report to the Legislative Council and the House of Assembly respectively of such information and matters arising out of the proposed Convention as he thinks fit, such report to be laid on the Table of each House.
5. That the Honourable the Attorney-General provide such suitably qualified assistance for the Delegation as it may require.
6. That the Honourable the Premier inform the other States and the Commonwealth of this Resolution.

The Legislative Council has appointed the following members to be delegates to the Convention—

Mr. President (Hon. C. B. M. Fenton),
 Mrs. Benjamin,
 Mr. Carins,
 Mr. Dixon, and
 Mr. W. M. Hodgman.

The House of Assembly has appointed the following members to be delegates to the Convention—

Mr. Attorney-General (Hon. M. G. Everett),
 Mr. Minister for Housing (Hon. D. A. Lowe),
 Mr. Austin,
 Mr. Baker,
 Mr. Bessell,
 Mr. Lohrey, and
 Mr. Mather.

B. G. MURPHY, *Clerk of the House of Assembly.*

G. B. EDWARDS, *Clerk of the Legislative Council.*