

The Bill.

43. A member of either House of the Parliament shall be incapable of being chosen or of sitting as a member of the other House.

44. Any person who—

- (1.) Is under any acknowledgment of allegiance, obedience, or adherence to a foreign power, or is a subject or a citizen or entitled to the rights or privileges of a subject or citizen of a foreign power; or
- (2.) Is attainted of treason, or has been convicted and is under sentence, or subject to be sentenced, for any offence punishable under the law of the Commonwealth or of a State by imprisonment for one year or longer; or
- (3.) Is an undischarged bankrupt or insolvent; or
- (4.) Holds any office of profit under the Crown, or any pension payable during the pleasure of the Crown out of any of the revenues of the Commonwealth; or
- (5.) Has any direct or indirect pecuniary interest in any agreement with the public service of the Commonwealth, otherwise than as a member and in common with the other members of an incorporated company consisting of more than twenty-five persons;

shall be incapable of being chosen or of sitting as a senator or as a member of the House of Representatives.

But subsection (4) does not apply to the office of any of the Queen's Ministers of State for the Commonwealth, or of any of the Queen's Ministers for a State, or to the receipt of pay, half-pay, or a pension by any person as an officer or member of the Queen's navy or army, or to the receipt of pay as an officer or member of the naval or military forces of the Commonwealth by any person whose services are not wholly employed by the Commonwealth.

45. If a Senator or member of the House of Representatives—

- (1.) Becomes subject to any of the disabilities mentioned in the last preceding section; or
- (2.) Takes the benefit, whether by assignment, composition, or otherwise, of any law relating to bankrupt or insolvent debtors; or
- (3.) Directly or indirectly takes or agrees to take any fee or honorarium for services rendered to the Commonwealth, or for services rendered in the Parliament to any person or State;

his place shall thereupon become vacant.

46. Until the Parliament otherwise provides, any person declared by this Constitution to be incapable of sitting as a Senator or as a member of the House of Representatives shall, for every day on which he so sits, be liable to pay the sum of one hundred pounds to any person who sues for it in any court of competent jurisdiction.

47. Until the Parliament otherwise provides, any question respecting the qualification of a Senator or of a member of the House of Representatives, or respecting a vacancy in either House of the Parliament, and any question of a disputed election to either House, shall be determined by the House in which the question arises.

48. Until the Parliament otherwise provides, each Senator and each member of the House of Representatives shall receive an allowance of four

Explanation.

43 to 46. *Disqualifications of Members.*—The disqualifications of members of both Houses are substantially the same as the disqualifications of members of the Legislative Assembly under the present Constitutions of the several Australian colonies; except that there are additional provisions that a bankrupt is to be ineligible until he gets his discharge, and that the seat of a member shall become vacant if he takes, or agrees to take, any fee or honorarium from the Federal Government, or for Parliamentary services rendered to any person or State.

The provision that disqualifies persons who hold offices of profit under the Crown does not apply to the Ministers of State for the Commonwealth (see section 64), nor to the Ministers of any State, nor to officers or members of the Queen's navy or army, nor to officers or members of the partially-paid naval or military forces of the Commonwealth.

47. *Elections and Qualifications.*—Until the Parliament otherwise provides, all questions of disputed elections, or qualifications, or vacancies are to be tried by the House in which the question arises.

48. *Payment of Members.*—Until the Parliament otherwise provides, members of both Houses are to be paid £400 a year.