

1985

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA
THE SENATE

(Presented pursuant to leave granted and read 1^o, 28 March 1985)

(SENATOR MASON)

A BILL

FOR

**An Act to alter the Constitution with respect to the
qualification and disqualification of Members of the
Parliament and Parliamentary Candidates**

BE IT ENACTED in accordance with section 128 of the Constitution, as follows:

Short title

1. This Act may be cited as the *Constitution Alteration (Disqualification of Members and Candidates) 1985*.

Disqualification

2. The Constitution is altered by omitting paragraph (iv.) of section 44 and the last paragraph of that section.

3. The Constitution is altered by inserting after section 45 the following section:

Public office-holder elected to the Parliament

“45A. (1) Any person who is elected, chosen or appointed to be a member of either House of the Parliament and who, immediately before the day from which an allowance by virtue of section 48 of this Constitution becomes

payable to him or her in consequence of the election, choosing or appointment—

- (i) is employed at a wage or salary in the service of the Commonwealth or is entitled to pay as a full-time member of the defence forces of the Commonwealth; or
- (ii) holds any position under, or as a member of, or as the person constituting, an authority of the Commonwealth, or an authority of the Commonwealth and any State or States, unless the authority is declared by the Parliament to be a prescribed authority for the purposes of this section and he or she has been appointed to, or nominated for appointment to, the position by either House, or both Houses, of the Parliament and receives no remuneration (other than reimbursement of reasonable expenses) in respect of the position; or
- (iii) is a member of the Parliament of a State or of the Legislature of a Territory of the Commonwealth; or
- (iv) is employed at a wage or salary in the service of a State or of a Territory of the Commonwealth; or
- (v) holds any position under, or as a member of, or as the person constituting, an authority of a State or of a Territory of the Commonwealth, unless the authority is declared by the Parliament to be a prescribed authority for the purposes of this section and he or she receives no remuneration (other than reimbursement of reasonable expenses) in respect of the position,

shall be deemed to have ceased that employment or resigned that position or membership immediately before the day from which that allowance becomes payable.

“(2) If a senator or member of the House of Representatives becomes a person of a description referred to in any of the paragraphs of sub-section (1) of this section, his or her place shall thereupon become vacant.

“(3) The Parliament may make laws declaring authorities to be prescribed authorities for the purposes of this section or for revoking any such declaration.”.