

Returning Officers, the periods during which elections may be continued, the execution of new writs in case of places vacated otherwise than by dissolution, and offences against the laws regulating such elections—shall, as nearly as practicable, apply to elections in the several States of members of the House of Representatives.

Questions as to qualifications and vacancies.

43. Until the Parliament otherwise provides, any question respecting the qualification of a member or a vacancy in the House of Representatives shall be determined by the House.

PART IV.—PROVISIONS RELATING TO BOTH HOUSES.

Allowance to members.

44. Until the Parliament otherwise provides, each member, whether of the Senate or of the House of Representatives, shall receive an allowance for his services of four hundred pounds a year, to be reckoned from the day on which he takes his seat.

Disqualifications of members.

45. Any person—

- (1.) Who has taken an oath or made a declaration or acknowledgment of allegiance, obedience, or adherence to a foreign power, or has done any act whereby he has become a subject or citizen, or entitled to the rights or privileges of a subject or citizen, of a foreign power; or
- (2.) Who is an undischarged bankrupt or insolvent, or a public defaulter; or
- (3.) Who is attainted of treason, or convicted of felony or of any infamous crime,

shall be incapable of being chosen or of sitting as a member of the Senate or of the House of Representatives until the disability is removed by a grant of a discharge, or the expiration or remission of the sentence, or a pardon, or release, or otherwise.

Place to become vacant on happening of certain disqualifications.

46. If a member of the Senate or of the House of Representatives,—

- (1.) Takes an oath or makes a declaration or acknowledgment of allegiance, obedience, or adherence to a foreign power, or does any act whereby he becomes a subject or citizen, or entitled to the rights or privileges of a subject or citizen, of a foreign power; or
- (2.) Is adjudged bankrupt or insolvent, or takes the benefit of any law relating to bankrupt or insolvent debtors, whether by assignment, composition, or otherwise, or becomes a public defaulter; or
- (3.) Is attainted of treason or convicted of felony or of any infamous crime,

his place shall thereupon become vacant.

Disqualifying contractors and persons interested in contracts.

47. Any person who directly or indirectly himself, or by any person in trust for him or for his use or benefit or on his account, undertakes, executes, holds, or enjoys, in the whole or in part, any agreement for or on account of the public service of the Commonwealth shall be incapable of being chosen or of sitting as a member of the Senate or of the House of Representatives while he executes, holds, or enjoys the agreement, or any part or share of it, or any benefit or emolument arising from it.

Any person, being a member of the Senate or of the House of Representatives, who, in the manner or to the extent forbidden in this section, undertakes, executes, holds, enjoys, or continues to hold or enjoy, any such agreement shall thereupon vacate his place.

Proviso exempting members of trading companies.

But this section does not extend to any agreement made, entered into, or accepted by an incorporated company consisting of more than twenty persons, if the agreement is made, entered into, or accepted for the general benefit of the company.

Any person, being a member of the Senate or of the House of Representatives, who, directly or indirectly, accepts or receives any fee or honorarium for work done or services rendered by him for or on behalf of the Commonwealth, whilst sitting as such member, shall thereupon vacate his place.

Place to become vacant on accepting office of profit.

48. If a member of the Senate or of the House of Representatives accepts any office of profit under the Crown, not being one of the offices of profit held during the pleasure of the Governor-General, and the holders of which are by this Constitution declared to be capable of being chosen and of sitting as members of either House of the Parliament, or accepts any pension payable out of any of the revenues of the Commonwealth during the pleasure of the Crown, his place shall thereupon become vacant, and no person holding any such office, except as aforesaid, or holding or enjoying any such pension, shall be capable of being chosen or of sitting as a member of either House of the Parliament.

Until the Parliament otherwise provides, no person being a member, or within six months of his ceasing to be a member, shall be qualified or permitted to accept or hold any office the acceptance or holding of which would, under this section, render a person incapable of being chosen or of sitting as a member.

Exceptions.

But this section does not apply to a person who is in receipt only of pay, half-pay, or a pension as an officer or member of the Queen's navy or army, or who receives a new commission in the Queen's navy or army, or an increase of pay on a new commission, or who is in receipt only of pay as an officer or member of the military or naval forces of the Commonwealth and whose services are not wholly employed by the Commonwealth.