

COMMON INFORMERS (PARLIAMENTARY DISQUALIFICATIONS) ACT 1975

No. 28 of 1975

An Act to make other Provision with respect to the Matter in respect of which Provision is made by section 46 of the Constitution.

BE IT ENACTED by the Queen, the Senate and the House of Representatives, as follows:—

- Short title. 1. This Act may be cited as the *Common Informers (Parliamentary Disqualifications) Act 1975*.¹
- Commence-
ment. 2. This Act shall come into operation on the day on which it receives the Royal Assent.¹
- Penalty for
sitting when
disqualified. 3. (1) Any person who, whether before or after the commencement of this Act, has sat as a senator or as a member of the House of Representatives while he was a person declared by the Constitution to be incapable of so sitting shall be liable to pay to any person who sues for it in the High Court a sum equal to the total of—
- (a) \$200 in respect of his having so sat on or before the day on which the originating process in the suit is served on him; and
 - (b) \$200 for every day, subsequent to that day, on which he is proved in the suit to have so sat.
- (2) A suit under this section shall not relate to any sitting of a person as a senator or as a member of the House of Representatives at a time earlier than 12 months before the day on which the suit is instituted.
- (3) The High Court shall refuse to make an order in a suit under this Act that would, in the opinion of the Court, cause the person against whom it was made to be penalized more than once in respect of any period or day of sitting as a senator or as a member of the House of Representatives.
- Suits not to
be brought
under section
46 of the
Constitution. 4. On and after the date of commencement of this Act, a person is not liable to pay any sum under section 46 of the Constitution and no suit shall be instituted, continued, heard or determined in pursuance of that section.

5. Original jurisdiction is conferred on the High Court in suits under Jurisdiction. this Act and no other court has jurisdiction in such a suit.

NOTE

1. Act No. 28, 1975; assented to 23 April 1975.