



Common Informers (Parliamentary Disqualifications) Act 1975

Act No. 28 of 1975 as amended

This compilation was prepared on 8 July 2008
taking into account amendments up to Act No. 73 of 2008

The text of any of those amendments not in force
on that date is appended in the Notes section

The operation of amendments that have been incorporated may be
affected by application provisions that are set out in the Notes section

Prepared by the Office of Legislative Drafting and Publishing,
Attorney-General's Department, Canberra

Contents

| | | |
|---|--|---|
| 1 | Short title [<i>see</i> Note 1]..... | 1 |
| 2 | Commencement [<i>see</i> Note 1]..... | 1 |
| 3 | Penalty for sitting when disqualified | 1 |
| 4 | Suits not to be brought under section 46 of the Constitution | 2 |
| 5 | Jurisdiction | 2 |

Notes

3

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

1 Short title [see Note 1]

This Act may be cited as the *Common Informers (Parliamentary Disqualifications) Act 1975*.

2 Commencement [see Note 1]

This Act shall come into operation on the day on which it receives the Royal Assent.

3 Penalty for sitting when disqualified

- (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 or she 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 or her having so sat on or before the day on which the originating process in the suit is served on him or her; and
 - (b) \$200 for every day, subsequent to that day, on which he or she 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.

4 Suits not to be brought under section 46 of the Constitution

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 Jurisdiction

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

Table of Acts**Notes to the *Common Informers (Parliamentary Disqualifications) Act 1975*****Note 1**

The *Common Informers (Parliamentary Disqualifications) Act 1975* as shown in this compilation comprises Act No. 28, 1975 amended as indicated in the Tables below.

Table of Acts

| Act | Number and year | Date of Assent | Date of commencement | Application, saving or transitional provisions |
|--|-----------------|----------------|--|--|
| <i>Common Informers (Parliamentary Disqualifications) Act 1975</i> | 28, 1975 | 23 Apr 1975 | 23 Apr 1975 | |
| <i>Statute Law Revision Act 2008</i> | 73, 2008 | 3 July 2008 | Schedule 4 (items 165–168): 4 July 2008 | — |

Table of Amendments

Table of Amendments

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

Provision affected How affected

S. 3..... am. No. 73, 2008