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*This PUBLIC BILL originated in the HOUSE OF REPRESENTATIVES, and having this day passed as now printed is transmitted to the LEGISLATIVE COUNCIL for its concurrence.*

*House of Representatives,  
10th October, 1878.*

[AS AMENDED BY THE LEGISLATIVE COUNCIL.]

*Hon. Mr. Stout.*

### Disqualification.

#### ANALYSIS.

<p>Title.</p> <p>1. Short Title.</p> <p>2. Repeal.</p> <p>3. Member of Legislative Council not to be elected to House of Representatives. Member of House of Representatives not to be capable of being summoned to Legislative Council.</p> <p>4. Contractors and Civil Servants disqualified.</p> <p>5. Interpretation clause.</p>	<p>6. Members disqualified from being Civil Servants.</p> <p>7. Penalty, how to be recovered. Proceedings for penalty to be taken within twelve months.</p> <p>8. Act not to apply to Native race.</p> <p>9. No forfeiture or penalty under repealed Act.</p> <p>10. Saving clause in respect of contractors.</p> <p>11. Civil Servant debarred from seat in Legislative Council.</p>
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#### A BILL INTITLED

### AN ACT to provide for the Purity of Parliament.

Title.

**B**E IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

1. The Short Title of this Act shall be “The Disqualification Act, 1878.” Short Title.

2. “The Disqualification Act, 1876,” and “The Disqualification Act 1876 Amendment Act, 1877,” are hereby repealed. Repeal.

3. A member of the Legislative Council shall not be capable of being elected or of sitting or voting as a member of the House of Representatives; nor shall any member of the House of Representatives, so long as he shall be such member, be capable of being summoned to or of sitting or voting as a member of the Legislative Council. Member of Legislative Council not to be elected to House of Representatives. Member of House of Representatives not to be capable of being summoned to Legislative Council.

4. All contractors and Civil Servants are and shall be incapable of being summoned to or of holding a seat in the Legislative Council, or of being elected as or of sitting or voting as a member of the House of Representatives. Contractors and Civil Servants disqualified.

Any member of the Legislative Council, or of the House of Representatives, offending against the provisions of this section, or of section *three* of this Act, shall cease to be a member of the Legislative Council or House of Representatives, as the case may be, and shall also, if he offends knowingly and wilfully, be liable to a penalty of *fifty* pounds a day for every day he sits or votes in the Legislative Council, or in the House of Representatives, as the case may be.

Interpretation clause.

5. The following words and expressions shall have the meanings hereby assigned to them :—

“Contractor” means a person who, either by himself, or directly or indirectly by or with others, but not as a member of a joint stock company or any incorporated body, is interested in the execution or enjoyment of any contract or agreement entered into with Her Majesty, or with any officer or department of the General Government, or with any person or persons for or on account of the public service of New Zealand, under which any public money above the sum of *fifty* pounds is payable directly or indirectly to such person in any one financial year. 5 10

“Civil Servant” means any person in the Civil Service of the colony or any person holding any office, permanent or temporary, under or from or at the appointment or nomination of the Crown or Governor of New Zealand by virtue of his office, or at or by the nomination or appointment of any officer of the Government of the Colony of New Zealand by virtue of his office, to which any salary, fees, wages, allowance, emolument, or profit of any kind is attached and paid out of money appropriated by Parliament; but does not include the persons who are members of the Executive Council, provided that such members do not exceed ten in all, two of which number must be Maoris or half-castes; nor the Speaker of the Legislative Council or of the House of Representatives, nor Chairmen of Committees, officers in Her Majesty’s Army or Navy, or of Militia or Volunteers (except officers of the said Militia and Volunteers receiving annual or permanent salaries). Nor shall it mean any persons as members only of any Waste Lands Board, Harbour Board, Education Board, River Board, or Senate or Council of any University, nor Members of a Royal Commission; provided that in the case of members being appointed as Commissioners, no more than *actual* travelling expenses shall be payable to them. 15 20 25 30 35

6. No member of the Legislative Council or House of Representatives shall, within *twelve* months after he ceases to be a member of the said Council or House, be capable of being appointed a Civil Servant; and if he be so appointed he shall be subject to a penalty of *fifty* pounds a day for every day he remains a Civil Servant. 40

But nothing herein contained shall apply to any person, being at the time Attorney-General of the Colony, accepting the office of Judge of the Supreme Court, or any person accepting the office of Agent-General of the colony.

7. Any penalty prescribed by this Act may be sued for by any person in any Court of competent jurisdiction; and no person shall be liable to any forfeiture or penalty inflicted under this Act, unless proceedings shall be taken for the recovery thereof within twelve months after such forfeiture or penalty has been incurred. 45

8. Nothing in this Act contained, except sections *three* and *seven*, shall apply to any person of the Native race *who is at present a member of the Legislative Council or House of Representatives until he shall cease to be such member*, unless he shall be a contractor. 50

9. No person shall be liable to any forfeiture or penalty heretofore incurred under any Act repealed by this Act. 55

10. Nothing contained in this Act in respect of contractors shall be construed to apply or extend to any of the persons or contracts hereinafter mentioned :—

Members disqualified from being Civil Servants.

Penalty how to be recovered. Proceedings for penalty to be taken within twelve months.

Act not to apply to Native race.

No forfeiture or penalty under repealed Act. Saving clause in respect of contractors.

- 5 (1.) Any person on whom, after the passing of this Act, the completion of any contract or agreement shall devolve by ~~descent or limitation, or~~ by marriage, or as devisee, legatee, executor or administrator, until twelve months after he shall have been in possession of the same :
- 10 (2.) Any sale, purchase, or agreement for taking of land, or of or for any estate, interest, or easement therein, under any law or statute empowering the Queen or the Governor, or any person on her or his behalf, to take, purchase, or acquire any lands or any estate, interest, or easement therein for any public works, or for any other public purpose whatsoever :
- 15 (3.) Contracts for the loan of money, or securities given for the payment of money only :
- (4.) ~~Any contract for advertizing.~~

11. No Civil Servant shall, whilst he is such Civil Servant, or for the period of six months thereafter, be capable of being summoned to or of holding a seat in the Legislative Council, or of sitting or voting as a member of the said Council.

Civil Servant  
debarred from seat  
in Legislative  
Council.