ANNO TRICESIMO TERTIO

VICTORIÆ REGINÆ.

A.D. 1869-70.

No. 19.

An Act to prevent Public Contractors being returned to or sitting or voting in Parliament.

[Reserved, 23rd February, 1870.]

WHEREAS it is desirable to prevent public contractors being returned to or sitting or voting in the Parliament of the Province of South Australia—Be it therefore Enacted, by the Governor of the Province of South Australia, with the advice and consent of the Legislative Council and House of Assembly of the said Province, in this present Parliament assembled, as follows:

1. Any person who shall directly or indirectly, himself or by any person whatsoever in trust for him, or for his use or benefit, or on his account, undertake, execute, hold, or enjoy in the whole or in part any contract, agreement, or commission made or entered into with, under, or from any person or persons whatsoever, for or on account of the Government of the said Province, or shall knowingly and willingly furnish or provide in pursuance of any such agreement, contract, or commission which he or they shall have made or entered into as aforesaid, any money to be remitted abroad, or any wares or merchandise to be used or employed in the service of the public, or any members of any company, or any person holding any office or position in any company formed for the construction of any railway, or other public work, the payment for which, or the interest on the cost of which has been guaranteed by the said Province, shall be incapable of being elected, or of sitting or voting as a Member of the said Parliament during the time he shall execute, hold, or enjoy any such contract, agreement or commission,
commission, or office, or position, or any part or share thereof, or any benefit or emolument arising from the same.

2. If any person, being a Member of the said Parliament, shall directly or indirectly, himself, or by any other person whatsoever in trust for him, or for his use or benefit, or on his account, enter into, accept, or agree for, undertake or execute, in the whole or in part, any such contract, agreement, or commission as aforesaid, or if any person being a Member of the said Parliament, and having already entered into any such agreement or commission, or part or share of any such contract, agreement, or commission, by himself, or by any other person whatsoever in trust for him, or for his use or benefit, or upon his account, shall, after the commencement of the next Session of Parliament, continue to hold, execute, or enjoy the same, or any part thereof, the seat of every such person in the said Parliament shall be and is hereby declared to be void: Provided that nothing in this or the preceding section shall be construed to extend to persons contributing towards any loan for public purposes heretofore or hereafter authorized to be raised by the Parliament of the said Province, or the holders of any bonds issued in pursuance of any Act passed for the purpose of authorizing any such loan.

3. Nothing herein contained shall extend or be construed to extend to any contract, agreement, or commission made, entered into, or accepted by any incorporated trading company in its corporate capacity, where such incorporated company consists of more than twenty persons, and where such contract, agreement, or commission shall be made, entered into, or accepted for the general benefit of such incorporated company, nor to any contract or agreement in respect of any lease, licence, or agreement in respect to the sale or occupation of any waste lands of the Crown, or Crown Lands.

4. Nothing herein contained shall extend, or be construed to extend to any person on whom, after the passing of this Act, the completion of any contract, agreement, or commission shall devolve by descent, or limitation, or by marriage, or as devisee, or legatee, until twelve calendar months after he shall have been in possession of the same, or to any executor, or administrator, until three years after he shall have been in possession of the same.

5. In every such contract, agreement, or commission to be made, entered into, or accepted as aforesaid, there shall be inserted an express condition that no Member of the said Parliament be admitted to any share or part of such contract, agreement, or commission, or to any benefit to arise therefrom; and in case any person or persons who hath or have entered into or accepted, or who shall enter into or accept any such contract, agreement, or commission, shall admit any Member or Members of the Parliament to any part or share thereof, or to receive any benefit thereby, all and every such person and persons shall forfeit and pay the sum of Five Hundred Pounds, to be recovered, with full costs of suit, by any person or persons who shall sue for the same in the Supreme Court, or in any other Court of competent jurisdiction.

6. If
6. If any person disabled or declared by this Act incapable to be elected, shall presume to sit or vote as a Member of either House of the said Parliament, such person so sitting or voting shall forfeit the sum of Five Hundred Pounds, to be recovered, with full costs of suit, by any person or persons who shall sue for the same in the Supreme Court or any other Court of competent jurisdiction.

7. No person shall be liable to any forfeiture or penalty inflicted by this Act unless a prosecution shall be commenced within twelve calendar months after such penalty or forfeiture shall be incurred.

I reserve this Bill for the signification of Her Majesty's pleasure thereon.

JAMES FERGUSSON, Governor.