

Constitution Act 1900.
Covering Clause 9.
The Constitution of the Commonwealth of Australia.
SECTION 44.

Section 44; any person who;

- (i.) Is under any acknowledgment of allegiance, obedience, or adherence to a foreign power, or is a subject or a citizen or entitled to the rights or privileges of a subject or a citizen of a foreign power: or
- (ii.) Is attainted of treason, or has been convicted and is under sentence, or subject to be sentenced, for any offence punishable under the law of the Commonwealth or of a State by imprisonment for one year or longer: or
- (iii.) Is an undischarged bankrupt or insolvent: or
- (iv.) Holds any office of profit under the Crown, or any pension payable during the pleasure of the Crown out of any of the revenues of the Commonwealth: or
- (v.) Has any direct or indirect pecuniary interest in any agreement with the Public Service of the Commonwealth otherwise than as a member and in common with the other members of an incorporated company consisting of more than twenty-five persons:

shall be incapable of being chosen or of sitting as a senator or a member of the House of Representatives.

But sub-section iv. does not apply to the office of any of the Queen's Ministers of State for the Commonwealth, or of any of the Queen's Ministers for a State, or to the receipt of pay, half pay, or a pension by any person as an officer or member of the Queen's navy or army, or to the receipt of pay as an officer or member of the naval or military forces of the Commonwealth by any person whose services are not wholly employed by the Commonwealth.

The definition of the words allegiance, obedience, foreign and power as defined Black's Law Dictionary.

Allegiance.

A citizen's or subject's obligation of loyalty and obedience to the government or sovereign in return for the benefits of the protection of the state

Obedience.

Compliance with a law, command, or authority.

Foreign.

(Relevant part only).

Belonging to another nation or country; **belonging or attached to another jurisdiction; subject to another jurisdiction.** Non-resident person, **corporation.** Foreign agent. **Person who registers with the federal government as a lobbyist representing the interests of a foreign nation or corporation.**

Power.

1. The ability to act or not act; **a person's capacity for acting in such a manner as to control someone else's responses.**
2. **Dominance, control, or influence over another.**

The Annotated Constitution make the following comments;

(Relevant part only).

“Allegiance, Obedience, or Adherence.”

Allegiance is the lawful obedience which a subject is bound to render to his sovereign. Allegiance is of three kinds: natural, acquired, or local.

- (1) Natural allegiance is that which every subject born from his birth owes to his sovereign.
- (2) Allegiance is acquired where one is naturalized, or made a resident.
- (3) The allegiance owed by every resident in the British dominions for the protection he enjoys is called local. It is customary, however, at the present day to restrict the use of the word to the first and second of these, the bond which attaches a subject to his sovereign, though some authors still speak of “local allegiance” as due by both British subjects and aliens alike, while within the dominions of the Crown, to distinguish it from the allegiance due by British subjects on foreign soil, and entitling them also to protection there.

A Subject or a Citizen.

A subject is one who, from his birth or oath, owes lawful obedience or allegiance to his liege lord or sovereign. **“Citizen” is the term usually employed, under a republican form of government,** as the equivalent of “subject” in monarchies of feudal origin. “Subject of the Queen.”

The word **“Citizen”** originally come from being **“the people of a city”**.

Or has been Convicted, and is Under Sentence for any Offence.

An offence is some act or omission which is triable and punishable, either on indictment or information. A person convicted of an offence of any description against the law of the Commonwealth or against the law of a State, or an offence punishable on summary conviction, and undergoing sentence of imprisonment for the term of one year or more, is disqualified for membership until he has served his sentence.