

1893.

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Legislative Council.

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COMMONWEALTH OF AUSTRALIA BILL.

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*(Amendments to be proposed by MR. R. E. O'CONNOR.)*

1. New subsection, clause 55, Part IV, Chapter I :—

(6) If the Senate should at any stage reject any proposed law appropriating the necessary supplies for the ordinary annual services of the Government, the House of Representatives may, in the next ensuing session of the same Parliament, reaffirm the proposed law and transmit it to the Senate with a message requesting a joint meeting of Members of the Senate and House of Representatives for its consideration: And thereupon the Senate may affirm but shall have no power to amend or reject the proposed law; and if the Senate do not then affirm the said proposed law, a joint meeting of the Members of the Senate and House of Representatives shall be called by the President of the Senate, or if he should neglect or fail to do so, then by the Speaker of the House of Representatives, and the said proposed law may be affirmed, amended, or rejected by the majority of the Members present at such meeting.

2. At the end of clause 12 (Chapter IV), *add*—

But the power hereby conferred shall not apply to railway rates or traffic, nor shall it be taken in any way to control the right of each State or any authority, corporation, or person by its permission or direction to make such rates and regulations for the ordinary traffic of railways within its own territory as it may think fit.

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THE HISTORY OF THE  
CITY OF BOSTON  
FROM THE FIRST SETTLEMENT  
TO THE PRESENT TIME  
BY  
JOHN HUTCHINGS  
OF THE BOSTON BAR  
IN TWO VOLUMES  
VOL. II.  
BOSTON: PUBLISHED BY  
J. B. ALLEN, 1827.



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# CONJUGATION OF VERBS

Verb forms



Draft of a Bill as adopted by the National Australasian  
Convention, 9th April, 1891.

HENRY PARKES,  
*President.*

F. W. WEBB,  
*Secretary.*

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## DRAFT OF A BILL

To Constitute the Commonwealth of Australia.

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**W**HEREAS the Australasian Colonies of [*here name the Colonies* Preamble.  
*which have adopted the Constitution*] have by [*here describe*  
*the mode by which the assent of the Colonies has been expressed*] agreed  
to unite in one Federal Commonwealth under the Crown of the  
United Kingdom of Great Britain and Ireland, and under the  
Constitution hereby established: And whereas it is expedient to make  
provision for the admission into the Commonwealth of other Austra-  
lasian Colonies and Possessions of Her Majesty: Be it therefore  
enacted by the Queen's Most Excellent Majesty, by and with the  
advice and consent of the Lords Spiritual and Temporal, and  
Commons, in the present Parliament assembled, and by the authority  
of the same, as follows:—

1. This Act may be cited as "The Constitution of the Short title.  
Commonwealth of Australia."

2. The provisions of this Act referring to Her Majesty the Application of  
Queen extend also to the Heirs and Successors of Her Majesty in the provisions referring  
Sovereignty of the United Kingdom of Great Britain and Ireland. to the Queen.



*Constitution of the Commonwealth of Australia.*

Power to proclaim  
Commonwealth of  
Australia.

3. It shall be lawful for the Queen, by and with the advice of Her Majesty's Most Honorable Privy Council, to declare by Proclamation that, on and after a day therein appointed, not being later than six months after the passing of this Act, the Colonies of [*here name the Colonies which have adopted the Constitution*] (which said Colonies and Province are hereinafter severally included in the expression "the said Colonies") shall be united in one Federal Commonwealth under the Constitution hereby established, and under the name of "The Commonwealth of Australia"; and on and after that day the said Colonies shall be united in one Federal Commonwealth under that name.

Commencement  
of Act.

4. Unless where it is otherwise expressed or implied, this Act shall commence and have effect on and from the day so appointed in the Queen's Proclamation; and the name "The Commonwealth of Australia" or "The Commonwealth" shall be taken to mean the Commonwealth of Australia as constituted under this Act.

"States."

5. The term "The States" shall be taken to mean such of the existing Colonies of New South Wales, New Zealand, Queensland, Tasmania, Victoria, and Western Australia, and the Province of South Australia, as for the time being form part of the Commonwealth, and such other States as may hereafter be admitted into the Commonwealth under the Constitution thereof, and each of such Colonies so forming part of the Commonwealth shall be hereafter designated a "State."

Repeal of 48 and 49  
Vict., chap. 60.

6. "The Federal Council of Australasia Act, 1885," is hereby repealed, but such repeal shall not affect any laws passed by the Federal Council of Australasia and in force at the date of the establishment of the Constitution of the Commonwealth.

But any such law may be repealed as to any State by the Parliament of the Commonwealth, and may be repealed as to any Colony, not being a State, by the Parliament thereof.

Operation of  
the Constitution  
and laws of the  
Commonwealth.

7. The Constitution established by this Act, and all Laws made by the Parliament of the Commonwealth in pursuance of the powers conferred by the Constitution, and all Treaties made by the Commonwealth, shall, according to their tenor, be binding on the Courts, Judges, and people, of every State, and of every part of the Commonwealth, anything in the laws of any State to the contrary notwithstanding: and the Laws and Treaties of the Commonwealth shall be in force on board of all British ships whose last port of clearance or whose port of destination is in the Commonwealth.



8. The Constitution of the Commonwealth shall be as follows :— Constitution.

## THE CONSTITUTION.

This Constitution is divided into Chapters and parts as follows :— Division of Constitution.

### CHAPTER I.—THE PARLIAMENT:

PART I.—GENERAL;

PART II.—THE SENATE;

PART III.—THE HOUSE OF REPRESENTATIVES;

PART IV.—PROVISIONS RELATING OF BOTH HOUSES;

PART V.—POWERS OF THE PARLIAMENT:

### CHAPTER II.—THE EXECUTIVE GOVERNMENT:

### CHAPTER III.—THE FEDERAL JUDICATURE:

### CHAPTER IV.—FINANCE AND TRADE:

### CHAPTER V.—THE STATES:

### CHAPTER VI.—NEW STATES:

### CHAPTER VII.—MISCELLANEOUS:

### CHAPTER VIII.—AMENDMENT OF THE CONSTITUTION.

## CHAPTER I.

### THE PARLIAMENT.

#### PART I.—GENERAL.

1. The Legislative powers of the Commonwealth shall be vested in a Federal Parliament, which shall consist of Her Majesty, a Senate, and a House of Representatives, and which is hereinafter called "The Parliament." Legislative powers.

2. The Queen may, from time to time, appoint a Governor-General, who shall be Her Majesty's Representative in the Commonwealth, and who shall have and may exercise in the Commonwealth during the Queen's pleasure, and subject to the provisions of this Constitution, such powers and functions as the Queen may think fit to assign to him. Governor-General.

3. The Annual Salary of the Governor-General shall be fixed by the Parliament from time to time, but shall not be less than Ten thousand pounds, and shall be payable to the Queen out of the Consolidated Revenue Fund of the Commonwealth. The Salary of a Governor-General shall not be diminished during his continuance in office. Salary of Governor-General.

4. The provisions of this Constitution relating to the Governor-General extend and apply to the Governor-General for the time being or other the Chief Executive Officer or Administrator of the Government of the Commonwealth, by whatever title he is designated. Application of provisions relating to Governor-General.

5. Every Member of the Senate, and every Member of the House of Representatives, shall before taking his seat therein make and subscribe before the Governor-General, or some person authorized by him, an Oath or Affirmation of Allegiance in the form set forth in the Schedule to this Constitution. Oath of Allegiance.



Governor-General to  
fix times and places  
for holding Session  
of Parliament.

Power of dissolution  
of House of  
Representatives.

First Session of  
Parliament.

Yearly Session of  
Parliament.

Privileges, &c., of  
Houses.]

6. The Governor-General may appoint such times for holding the first and every other Session of the Parliament, as he may think fit, giving sufficient notice thereof, and may also from time to time, by proclamation or otherwise, prorogue the said Parliament, and may in like manner dissolve the House of Representatives.

The Parliament shall be called together not later than six months after the date of the establishment of the Commonwealth.

7. There shall be a Session of the Parliament once at least in every year, so that twelve months shall not intervene between the last sitting of the Parliament in one Session, and its first sitting in the next Session.

8. The privileges, immunities, and powers, to be held, enjoyed, and exercised by the Senate and by the House of Representatives respectively, and by the Members thereof, shall be such as are from time to time declared by the Parliament, and until declared shall be those held, enjoyed, and exercised by the Commons House of Parliament of the United Kingdom, and by the Members thereof, at the date of the establishment of the Commonwealth.

## PART II.—THE SENATE.

Senate.

9. The Senate shall be composed of eight members for each State, directly chosen by the Houses of the Parliament of the several States during a Session thereof, and each Senator shall have one vote.

The Senators shall be chosen for a term of six years.

The names of the Senators chosen in each State shall be certified by the Governor to the Governor-General.

Mode of election  
of Senators.

10. The Parliament of the Commonwealth may make laws prescribing a uniform manner of choosing the Senators. Subject to such laws, if any, the Parliament of each State may determine the time, place, and manner of choosing the Senators for that State by the Houses of Parliament thereof.

Failure of a State  
to choose Senators  
not to prevent  
business.

11. The failure of any State to provide for its representation in the Senate shall not affect the power of the Senate to proceed to the despatch of business.

Retirement of  
Senators.

12. As soon as practicable after the Senate is first assembled the Senators chosen for each State shall be divided by lot into two classes. The places of the Senators of the first class shall be vacated at the expiration of the third year, and the places of those of the second class at the expiration of the sixth year, from the commencement of their term of service as herein declared, so that one-half may be chosen every third year.

For the purposes of this section the term of service of a Senator shall begin on and be reckoned from the first day of January next succeeding the day of his election, except in the case of the first election, when it shall be reckoned from the first day of January preceding the day of his election. The election of Senators to fill the places of Senators retiring by rotation shall be made in the year preceding the day on which the retiring Senators are to retire.

How vacancies filled.

13. If the place of a Senator becomes vacant during the recess of the Parliament of the State which he represented the Governor of the State, by and with the advice of the Executive Council thereof, may appoint a Senator to fill such vacancy until the next Session of the Parliament of the State, when the Houses of Parliament shall choose a Senator to fill the vacancy.



14. If the place of a Senator becomes vacant before the expiration of the term of service for which he was chosen, the Senator chosen to fill his place shall hold the same only during the unexpired portion of the term for which the previous Senator was chosen.

Tenure of Seats of Senators elected to Senate owing to vacancies.

15. The qualifications of a Senator shall be as follows :—

Qualifications of Senator.

- (1) He must be of the full age of thirty years, and must, when chosen, be an elector entitled to vote in some State at the election of Members of the House of Representatives of the Commonwealth, and must have been for five years at the least a resident within the limits of the Commonwealth as existing at the time when he is chosen ;
- (2) He must be either a natural born subject of the Queen, or a subject of the Queen naturalised by or under a Law of the Parliament of the United Kingdom of Great Britain and Ireland, or of the Parliament of one of the said Colonies, or of the Parliament of the Commonwealth, or of a State, at least five years before he is chosen.

16. The Senate shall, at its first meeting and before proceeding to the despatch of any other business, choose a Senator to be the President of the Senate ; and as often as the office of President becomes vacant the Senate shall again choose a Senator to be the President ; and the President shall preside at all meetings of the Senate ; and the choice of the President shall be made known to the Governor-General by a deputation of the Senate.

Election of President of the Senate.

The President may be removed from office by a vote of the Senate. He may resign his office ; and upon his ceasing to be a Senator his office shall become vacant.

17. In case of the absence of the President, the Senate may choose some other Senator to perform the duties of the President during his absence.

Absence of President provided for.

18. A Senator may, by writing under his hand addressed to the President, or if there is no President, or the President is absent from the Commonwealth, to the Governor-General, resign his place in the Senate, and thereupon the same shall be vacant.

Resignation of place in Senate.

19. The place of a Senator shall become vacant if for one whole Session of the Parliament he, without the permission of the Senate entered on its Journals, fails to give his attendance in the Senate.

Disqualification of Senator by absence.

20. Upon the happening of a vacancy in the Senate the President, or if there is no President, or the President is absent from the Commonwealth, the Governor-General shall forthwith notify the same to the Governor of the State which the Senator whose place is vacated represented.

Vacancy in Senate to be notified to Governor of State.

21. If any question arises respecting the qualification of a Senator or a vacancy in the Senate, the same shall be determined by the Senate.

Questions as to qualifications and vacancies in Senate.

22. Until the Parliament otherwise provides, the presence of at least one-third of the whole number of Senators, as provided by this Constitution, shall be necessary to constitute a meeting of the Senate for the exercise of its powers.

Quorum of Senate.



Voting in Senate.

23. Questions arising in the Senate shall be determined by a majority of votes, and the President shall in all cases be entitled to a vote; and when the votes are equal the question shall pass in the negative.

### PART III.—THE HOUSE OF REPRESENTATIVES.

Constitution of House of Representatives.

24. The House of Representatives shall be composed of Members chosen every three years by the people of the several States, according to their respective numbers; and until the Parliament of the Commonwealth otherwise provides, each State shall have one Representative for every thirty thousand of its people.

Provided that in the case of any of the existing Colonies of New South Wales, New Zealand, Queensland, Tasmania, Victoria, and Western Australia, and the Province of South Australia, until the number of the people is such as to entitle the State to four Representatives it shall have four Representatives.

Qualification of electors.

25. The qualification of electors of Members of the House of Representatives shall be in each State that which is prescribed by the law of the State as the qualification for electors of the more numerous House of the Parliament of the State.

Provision for case of persons not allowed to vote.

26. When in any State the people of any race are not entitled by law to vote at elections for the more numerous House of the Parliament of the State, the Representation of that State in the House of Representatives shall be reduced in the proportion which the number of people of that race in the State bears to the whole number of the people of the State.

Mode of calculating number of Members.

27. When upon the apportionment of Representatives it is found that after dividing the number of the people of a State by the number in respect of which a State is entitled to one Representative there remains a surplus greater than one-half of such number, the State shall have one additional Representative.

Representatives in first Parliament.

28. The number of members to be chosen by each State at the first election shall be as follows: [*To be determined according to latest statistical returns at the date of the passing of the Act.*]

Periodical reapportionment.

29. A fresh apportionment of Representatives to the States shall be made after each Census of the people of the Commonwealth, which shall be taken at intervals not longer than ten years. But a fresh apportionment shall not take effect until the then next General Election.

Increase of number of House of Representatives.

30. The number of Members of the House of Representatives may be from time to time increased or diminished by the Parliament of the Commonwealth, but so that the proportionate representation of the several States, according to the numbers of their people, and the minimum number of Members, prescribed by this Constitution, for any State shall be preserved.

Electoral Divisions.

31. The electoral divisions of the several States for the purpose of returning members of the House of Representatives shall be determined from time to time by the Parliaments of the several States.



32. The qualifications of a Member of the House of Representatives shall be as follows :— Qualifications of Member of House of Representatives.

- (1) He must be of the full age of twenty-one years, and must when elected be an elector entitled to vote in some State at the election of members of the House of Representatives, and must have been for three years at the least a resident within the limits of the Commonwealth as existing at the time when he is elected;
- (2) He must be either a natural born subject of the Queen, or a subject of the Queen naturalised by or under a law of the Parliament of Great Britain and Ireland, or of the Parliament of one of the said Colonies, or of the Parliament of the Commonwealth, or of a State, at least three years before he is elected.

33. A Senator shall not be capable of being elected or of sitting as a Member of the House of Representatives. Disqualification of Senators.

34. The House of Representatives shall, at its first meeting after every General Election, and before proceeding to the despatch of any other business, choose a Member to be the Speaker of the House, and as often as the office of Speaker becomes vacant the House shall again choose a Member to be Speaker; and the Speaker shall preside at all meetings of the House of Representatives; and the choice of a Speaker shall be made known to the Governor-General by a deputation of the House. Election of Speaker of House of Representatives.

The Speaker may be removed from office by a vote of the House, or may resign his office.

35. In case of the absence of the Speaker, the House of Representatives may choose some other Member to perform the duties of the Speaker during his absence. Absence of Speaker provided for.

36. A Member of the House of Representatives may, by writing under his hand addressed to the Speaker, or if there is no Speaker, or he is absent from the Commonwealth, to the Governor-General, resign his place in the House of Representatives, and thereupon the same shall be vacant. Resignation of place in House of Representatives.

37. The place of a Member of the House of Representatives shall become vacant if for one whole Session of the Parliament he, without permission of the House of Representatives entered on its Journals, fails to give his attendance in the House. Disqualification of Member by absence.

38. Upon the happening of a vacancy in the House of Representatives, the Speaker shall, upon a resolution of the House, issue his writ for the election of a new member. Issue of new writs.

In the case of a vacancy by death or resignation happening when the Parliament is not in session, or during an adjournment of the House for a period of which a part longer than seven days is unexpired, the Speaker, or if there is no Speaker, or he is absent from the Commonwealth, the Governor-General shall issue, or cause to be issued, a writ without such resolution.

39. Until the Parliament otherwise provides the presence of at least one-third of the whole number of the Members of the House of Representatives shall be necessary to constitute a meeting of the House for the exercise of its powers. Quorum of House of Representatives.

40. Questions arising in the House of Representatives shall be determined by a majority of votes other than that of the Speaker; and when the votes are equal, but not otherwise, the Speaker shall have a casting vote. Voting in House of Representatives.



Duration of House  
of Representatives.

**41.** Every House of Representatives shall continue for three years from the day appointed for the first meeting of the House, and no longer, subject, nevertheless, to be sooner dissolved by the Governor-General.

The Parliament shall be called together not later than thirty days after the day appointed for the return of the Writs for a General Election.

Writs for General  
Election.

**42.** For the purpose of holding General Elections of Members to serve in the House of Representatives, the Governor-General may cause Writs to be issued by such persons, in such form, and addressed to such Returning Officers, as he thinks fit.

Continuance of  
existing Election  
Laws until the  
Parliament otherwise  
provides.

**43.** Until the Parliament of the Commonwealth otherwise provides, the laws in force in the several States for the time being, relating to the following matters, namely: The manner of conducting Elections for the more numerous House of the Parliament, the proceedings at such elections, the oaths to be taken by voters, the Returning Officers, their powers and duties, the periods during which Elections may be continued, the execution of new Writs in case of places vacated otherwise than by dissolution, and offences against the laws regulating such Elections, shall respectively apply to Elections in the several States of Members to serve in the House of Representatives.

Questions as to  
qualifications and  
vacancies.

**44.** If any question arises respecting the qualification of a Member or a vacancy in the House of Representatives, the same shall be heard and determined by the House of Representatives.

#### PART IV.—PROVISIONS RELATING TO BOTH HOUSES.

Allowance to  
members.

**45.** Each member of the Senate and House of Representatives shall receive an annual allowance for his services, the amount of which shall be fixed by the Parliament from time to time. Until other provision is made in that behalf by the Parliament the amount of such annual allowance shall be five hundred pounds.

Disqualifications of  
Members.

**46.** Any person—

- (1) Who has taken an oath or made a declaration or acknowledgment of allegiance, obedience, or adherence to a Foreign Power, or has done any act whereby he has become a subject or citizen or entitled to the rights or privileges of a subject or a citizen of a Foreign Power; or
- (2) Who is an undischarged bankrupt or insolvent, or a public defaulter; or
- (3) Who is attainted of treason, or convicted of felony or of any infamous crime;

shall be incapable of being chosen or of sitting as a Senator or Member of the House of Representatives until the disability is removed by a grant of a discharge, or the expiration or remission of the sentence, or a pardon, or release, or otherwise.

Place to become  
vacant on happening  
of certain dis-  
qualifications.

**47.** If a Senator or Member of the House of Representatives—

- (1) Takes an oath or makes a declaration or acknowledgment of allegiance, obedience, or adherence to a Foreign Power, or does any act whereby he becomes a subject or citizen, or entitled to the rights or privileges of a subject or citizen, of a Foreign Power; or
- (2) Is adjudged bankrupt or insolvent, or takes the benefit of any law relating to bankrupt or insolvent debtors, or becomes a public defaulter; or
- (3) Is attainted of treason or convicted of felony or of any infamous crime;

his place shall thereupon become vacant.



48. Any person who directly or indirectly himself, or by any person in trust for him, or for his use or benefit, or on his account, undertakes, executes, holds, or enjoys, in the whole or in part, any agreement for or on account of the Public Service of the Commonwealth, shall be incapable of being chosen or of sitting as a Senator or Member of the House of Representatives while he executes, holds, or enjoys the agreement, or any part or share of it, or any benefit or emolument arising from it.

Disqualifying contractors and persons interested in contracts.

If any person, being a Senator or Member of the House of Representatives, enters into any such agreement, or having entered into it continues to hold it, his place shall thereupon become vacant.

But this section does not extend to any agreement made, entered into, or accepted, by an incorporated company consisting of more than twenty persons if the agreement is made, entered into, or accepted for the general benefit of the company.

Proviso exempting members of trading companies.

49. If a Senator or Member of the House of Representatives accepts any office of profit under the Crown, not being one of the offices of State held during the pleasure of the Governor-General, and the holders of which are by this Constitution declared to be capable of being chosen and of sitting as Members of either House of Parliament, or accepts any pension payable out of any of the revenues of the Commonwealth during the pleasure of the Crown, his place shall thereupon become vacant, and no person holding any such office, except as aforesaid, or holding or enjoying any such pension, shall be capable of being chosen or of sitting as a Member of either House of the Parliament :

Place to become vacant on accepting office of profit.

But this provision does not apply to a person who is in receipt only of pay, half-pay, or a pension, as an Officer of the Queen's Navy or Army, or who receives a new Commission in the Queen's Navy or Army, or an increase of pay on a new Commission, or who is in receipt only of pay as an Officer or member of the Military or Naval Forces of the Commonwealth and whose services are not wholly employed by the Commonwealth.

Exceptions.

50. If any person by this Constitution declared to be incapable of sitting in the Senate or House of Representatives sits as a Senator or Member of the House of Representatives, he shall, for every day on which he sits, be liable to pay the sum of one hundred pounds to any person who may sue for it in any Court of competent jurisdiction.

Penalty for sitting when disqualified.

51. The Senate and House of Representatives may from time to time prepare and adopt such Standing Rules and Orders as may appear to them respectively best adapted—

Standing Rules and Orders to be made.

- (1) For the orderly conduct of the business of the Senate and House of Representatives respectively :
- (2) For the mode in which the Senate and House of Representatives shall confer, correspond, and communicate with each other relative to Votes or proposed Laws adopted by or pending in the Senate or House of Representatives respectively :
- (3) For the manner in which Notices of proposed Laws, Resolutions, and other business intended to be submitted to the Senate and House of Representatives respectively may be published for general information :



- (4) For the manner in which proposed Laws are to be introduced, passed, numbered, and intitled in the Senate and House of Representatives respectively :
- (5) For the proper presentation of any Laws passed by the Senate and House of Representatives to the Governor-General for his assent : and
- (6) Generally for the conduct of all business and proceedings of the Senate and House of Representatives severally and collectively.

#### PART V.—POWERS OF THE PARLIAMENT.

Legislative powers of  
the Parliament.

52. The Parliament shall, subject to the provisions of this Constitution, have full power and authority to make all such Laws as it thinks necessary for the peace, order, and good government of the Commonwealth, with respect to all or any of the matters following, that is to say :—

1. The regulation of Trade and Commerce with other Countries, and among the several States ;
2. Customs and Excise and bounties, but so that duties of Customs and Excise and bounties shall be uniform throughout the Commonwealth, and that no tax or duty shall be imposed on any goods exported from one State to another ;
3. Raising money by any other mode or system of taxation ; but so that all such taxation shall be uniform throughout the Commonwealth ;
4. Borrowing money on the public credit of the Commonwealth ;
5. Postal and Telegraphic Services ;
6. The Military and Naval Defence of the Commonwealth and the several States and the calling out of the Forces to execute and maintain the laws of the Commonwealth, or of any State or part of the Commonwealth ;
7. Munitions of War ;
8. Navigation and Shipping ;
9. Ocean Beacons and Buoys, and Ocean Light-houses and Light-ships ;
10. Quarantine ;
11. Fisheries in Australian waters beyond territorial limits ;
12. Census and Statistics ;
13. Currency, Coinage, and Legal Tender ;
14. Banking, the Incorporation of Banks, and the Issue of Paper Money ;
15. Weights and Measures ;
16. Bills of Exchange and Promissory Notes ;
17. Bankruptcy and Insolvency ;
18. Copyrights and Patents of Inventions, Designs, and Trade Marks ;
19. Naturalization and Aliens ;
20. The Status in the Commonwealth of Foreign Corporations, and of Corporations formed in any State or part of the Commonwealth ;
21. Marriage and Divorce ;
22. The Service and Execution throughout the Commonwealth of the Civil and Criminal Process and Judgments of the Courts of the States ;
23. The recognition throughout the Commonwealth of the Laws, the Public Acts and Records, and the Judicial Proceedings, of the States ;



24. Immigration and Emigration ;
25. The influx of Criminals ;
26. External affairs and Treaties ;
27. The relations of the Commonwealth to the Islands of the Pacific ;
28. River Navigation with respect to the common purposes of two or more States, or parts of the Commonwealth ;
29. The control of Railways with respect to transport for the purposes of the Commonwealth ;
30. Matters referred to the Parliament of the Commonwealth by the Parliament or Parliaments of any State or States, but so that the Law shall extend only to the State or States by whose Parliament or Parliaments the matter was referred, and to such other States as may afterwards adopt the Law ;
31. The exercise within the Commonwealth, at the request or with the concurrence of the Parliaments of all the States concerned, of any Legislative powers with respect to the affairs of the territory of the Commonwealth, or any part of it, which can at the date of the establishment of this Constitution be exercised only by the Parliament of the United Kingdom or by the Federal Council of Australasia ;
32. Any matters necessary or incidental for carrying into execution the foregoing powers and any other powers vested by this Constitution in the Parliament or Executive Government of the Commonwealth or in any department or officer thereof.

53. The Parliament shall, also, subject to the provisions of this Constitution, have exclusive power to make laws for the peace, order, and good government of the Commonwealth with respect to the following matters :—

Exclusive powers of  
the Parliament.

1. The affairs of people of any race with respect to whom it is deemed necessary to make special laws not applicable to the general community ; but so that this power shall not extend to authorise legislation with respect to the affairs of the aboriginal native race in Australia and the Maori race in New Zealand ;
2. The government of any territory which may by surrender of any State or States and the acceptance of the Parliament become the seat of Government of the Commonwealth, and the exercise of like authority over all places acquired by the Commonwealth, with the consent of the Parliament of the State in which such places are situate, for the construction of forts, magazines, arsenals, dockyards, quarantine stations, or for any other purposes of general concern ;
3. Matters relating to any Department or Departments of the Public Service the control of which is by this Constitution transferred to the Executive Government of the Commonwealth ;
4. Such other matters as are by this Constitution declared to be within the exclusive powers of the Parliament.

#### *Money Bills.*

54. Laws appropriating any part of the public revenue, or imposing any tax or impost shall originate in the House of Representatives.



Appropriation and  
Tax Bills.

55. (1) The Senate shall have equal power with the House of Representatives in respect of all proposed Laws, except Laws imposing taxation and Laws appropriating the necessary supplies for the ordinary annual services of the Government, which the Senate may affirm or reject, but may not amend. But the Senate may not amend any proposed Law in such a manner as to increase any proposed charge or burden on the people.

(2) Laws imposing taxation shall deal with the imposition of taxation only.

(3) Laws imposing taxation except Laws imposing duties of Customs on imports shall deal with one subject of taxation only.

(4) The expenditure for services other than the ordinary annual services of the Government shall not be authorised by the same Law as that which appropriates the supplies for such ordinary annual services, but shall be authorised by a separate Law or Laws.

(5) In the case of a proposed Law which the Senate may not amend, the Senate may at any stage return it to the House of Representatives with a message requesting the omission or amendment of any items or provisions therein. And the House of Representatives may, if it thinks fit, make such omissions or amendments, or any of them, with or without modifications.

Recommendation of  
money votes.

56. It shall not be lawful for the House of Representatives to pass any vote, resolution, or Law for the appropriation of any part of the public revenue, or of the produce of any tax or impost, to any purpose that has not been first recommended to that House by message of the Governor-General in the Session in which the vote, resolution, or Law, is proposed.

#### *Royal Assent.*

Royal assent to  
Bills.

57. When a Law passed by the Parliament is presented to the Governor-General for the Queen's assent, he shall declare, according to his discretion, but subject to the provisions of this Constitution, either that he assents to it in the Queen's name, or that he withholds assent, or that he reserves the Law for the Queen's pleasure to be made known.

The Governor-General may return to the Parliament any Law so presented to him, and may transmit therewith any amendments which he may desire to be made in such Law, and the Parliament may deal with such proposed amendments as it thinks fit.

Disallowance by  
Order in Council of  
Law assented to by  
Governor-General.

58. When the Governor-General assents to a Law in the Queen's name he shall by the first convenient opportunity send an authentic copy to the Queen, and if the Queen in Council within two years after receipt thereof thinks fit to disallow the Law, such disallowance being made known by the Governor-General, by speech or message, to each of the Houses of the Parliament, or by proclamation, shall annul the Law from and after the day when the disallowance is so made known.

Signification of  
Queen's Pleasure on  
Bill reserved.

59. A Law reserved for the Queen's pleasure to be made known with respect to it shall not have any force unless and until within two years from the day on which it was presented to the Governor-General for the Queen's assent, the Governor-General makes known by speech or message to each of the Houses of the Parliament, or by proclamation, that it has received the assent of the Queen in Council.

An entry of every such speech, message, or proclamation shall be made in the journal of each House, and a duplicate thereof duly attested shall be delivered to the proper officer to be kept among the records of the Parliament.



## CHAPTER II.

### THE EXECUTIVE GOVERNMENT.

1. The Executive power and authority of the Commonwealth is vested in the Queen, and shall be exercised by the Governor-General as the Queen's Representative. Executive power to be vested in the Queen.
2. There shall be a Council to aid and advise the Governor-General in the government of the Commonwealth, and such Council shall be styled the Federal Executive Council; and the persons who are to be Members of the Council shall be from time to time chosen and summoned by the Governor-General and sworn as Executive Councillors, and shall hold office during his pleasure. Constitution of Executive Council for Commonwealth.
3. The provisions of this Constitution referring to the Governor-General in Council shall be construed as referring to the Governor-General acting with the advice of the Federal Executive Council. Application of provisions referring to Governor-General.
4. For the administration of the Executive government of the Commonwealth, the Governor-General may, from time to time, appoint Officers to administer such Departments of State of the Commonwealth as the Governor-General in Council may from time to time establish, and such Officers shall hold office during the pleasure of the Governor-General, and shall be capable of being chosen and of sitting as Members of either House of the Parliament. Ministers of State. May sit in Parliament.  
Such Officers shall be Members of the Federal Executive Council, and shall be the Queen's Ministers of State for the Commonwealth.
5. Until other provision is made by the Parliament, the number of such Officers who may sit in the Parliament shall not exceed seven, who shall hold such offices, and by such designation, as the Parliament from time to time prescribes by Law, or, in the absence of any such Law, as the Governor-General from time to time directs. Number of Ministers.
6. Until other provision is made by the Parliament, there shall be payable to the Queen, out of the Consolidated Revenue Fund of the Commonwealth, for the salaries of such Officers, the sum of fifteen thousand pounds per annum. Salaries of Ministers.
7. Until other provision is made by the Parliament, the appointment and removal of all other officers of the Government of the Commonwealth shall be vested in the Governor-General in Council, except officers whose appointment may be delegated by the Governor-General in Council to some other officer or person. Appointment of Civil Servants.
8. The Executive power and authority of the Commonwealth shall extend to the execution of the provisions of this Constitution, and the Laws of the Commonwealth. Authority of Executive.
9. The Command in Chief of all Military and Naval Forces of the Commonwealth is hereby vested in the Governor-General as the Queen's Representative. Command of Military and Naval Forces.



Immediate assumption of control of certain Departments.

10. The control of the following departments of the Public Service shall be at once assigned to and assumed and taken over by the Executive Government of the Commonwealth, and the Commonwealth shall assume the obligations of any State or States with respect to such matters, that is to say—

Customs and Excise,  
Posts and Telegraphs,  
Military and Naval Defence,  
Ocean Beacons and Buoys, and Ocean Lighthouses and Lightships,  
Quarantine.

Powers under existing Law to be exercised by Governor-General with advice of Executive Council.

11. All powers and functions which are at the date of the establishment of the Commonwealth vested in the Governor of a Colony with or without the advice of his Executive Council, or in any officer or authority in a Colony, shall, so far as the same continue in existence and need to be exercised in relation to the government of the Commonwealth, with respect to any matters which, under this Constitution, pass to the Executive Government of the Commonwealth, vest in the Governor-General, with the advice of the Federal Executive Council, or in the officer or authority exercising similar powers or functions in, or under, the Executive Government of the Commonwealth.

### CHAPTER III.

#### THE FEDERAL JUDICATURE.

Supreme Court of Australia and Inferior Courts.

1. The Parliament of the Commonwealth shall have power to establish a Court, which shall be called the Supreme Court of Australia, and shall consist of a Chief Justice, and so many other Justices, not less than four, as the Parliament from time to time prescribes. The Parliament may also from time to time, subject to the provisions of this Constitution, establish other Courts.

Tenure of office.

2. The Judges of the Supreme Court of Australia and of the other Courts of the Commonwealth shall hold their offices during good behaviour, and shall receive such salaries as may from time to time be fixed by the Parliament; but the salary paid to any Judge shall not be diminished during his continuance in office.

Appointment and removal of Judges.

3. The Judges of the Supreme Court and of the other Courts of the Commonwealth shall be appointed, and may be removed from office, by the Governor-General by and with the advice of the Federal Executive Council; but it shall not be lawful for the Governor-General to remove any Judge except upon an Address from both Houses of the Parliament praying for such removal.

Appellate Jurisdiction.

4. The Supreme Court of Australia shall have jurisdiction, with such exceptions and subject to such regulations as the Parliament from time to time prescribes, to hear and determine appeals from all judgments, decrees, orders, and sentences, of any other Federal Court, or of the highest Court of final resort now established, or which may hereafter be established, in any State, whether such Court is a Court of Appeal or of original jurisdiction, and the judgment of the Supreme Court of Australia in all such cases shall be final and conclusive.

Until the Parliament makes other provisions, the conditions of and restrictions on appeals to the Queen in Council from the highest Courts of final resort of the several States shall be applicable to appeals from such Courts to the Supreme Court of Australia.



5. The Parliament of the Commonwealth may provide by law that any appeals which by any law have heretofore been allowed from any judgment, decree, order, or sentence, of the highest Court of final resort of any State to the Queen in Council, shall be brought to, and heard and determined by, the Supreme Court of Australia, and the judgment of that Court in all such cases shall be final and conclusive.

Appeals may be made final in all cases.

6. Notwithstanding the provisions of the two last preceding sections, or of any law made by the Parliament of the Commonwealth in pursuance thereof, the Queen may in any case in which the public interests of the Commonwealth, or of any State, or of any other part of the Queen's Dominions, are concerned, grant leave to appeal to Herself in Council against any judgment of the Supreme Court of Australia.

Power of the Queen to allow appeal to Herself in certain cases.

7. The Parliament of the Commonwealth may, from time to time, define the jurisdiction of the Courts of the Commonwealth, other than the Supreme Court of Australia, which jurisdiction may be exclusive, or may be concurrent with that of the Courts of the States. But jurisdiction shall not be conferred on a Court except in respect of the following matters, or some of them, that is to say:—

Extent of power of Federal Courts.

- (1) Cases arising under this Constitution ;
- (2) Cases arising under any Laws made by the Parliament of the Commonwealth, or under any treaty made by the Commonwealth with another country ;
- (3) Cases of Admiralty and Maritime jurisdiction ;
- (4) Cases affecting the Public Ministers, Consuls, or other Representatives of other countries ;
- (5) Cases in which the Commonwealth, or a person suing or being sued on behalf of the Commonwealth, is a party ;
- (6) Cases in which a Writ of Mandamus or Prohibition is sought against an Officer of the Commonwealth ;
- (7) Controversies between States ;
- (8) Controversies relating to the same subject matter claimed under the laws of different States.

8. In all cases affecting Public Ministers, Consuls, or other Representatives of other Countries, and in all cases in which the Commonwealth, or any person suing or being sued on behalf of the Commonwealth, is a party, or in which a Writ of Mandamus or Prohibition is sought against an Officer of the Commonwealth, and in all cases of controversies between States, the Supreme Court of Australia shall have original, as well as appellate, jurisdiction.

Original jurisdiction.

The Parliament may confer original jurisdiction on the Supreme Court of Australia in such other of the cases enumerated in the last preceding section as it thinks fit.

Additional original jurisdiction may be conferred.

9. Nothing in this Constitution shall be construed to authorize any suit in law or equity against the Commonwealth, or any person sued on behalf of the Commonwealth, or against a State, or any person sued on behalf of a State, by any individual person or corporation, except by the consent of the Commonwealth, or of the State, as the case may be.

Actions against the Commonwealth or against a State.



Number of Judges.

10. The jurisdiction of the Supreme Court, or of any other Court of the Commonwealth, may be exercised by such number of Judges as the Parliament prescribes.

Trial by jury.

11. The trial of all indictable offences cognisable by any Court established under the authority of this Act shall be by jury, and every such trial shall be held in the State where the offence has been committed, and when not committed within any State the trial shall be held at such place or places as the Parliament of the Commonwealth prescribes.

## CHAPTER IV.

### FINANCE AND TRADE.

Consolidated Revenue Fund.

1. All duties, revenues, and moneys, raised or received by the Executive Government of the Commonwealth, under the authority of this Constitution, shall form one Consolidated Revenue Fund to be appropriated for the Public Service of the Commonwealth in the manner and subject to the charges provided by this Constitution.

Expenses of collection.

2. The Consolidated Revenue Fund shall be permanently charged with the costs, charges, and expenses incident to the collection, management, and receipt thereof, which costs, charges, and expenses, shall form the first charge thereon.

Money to be appropriated by law.

3. No money shall be drawn from the Treasury of the Commonwealth except under appropriations made by law.

The Commonwealth to have exclusive power to levy duties of Customs and Excise and offer bounties after a certain time.

4. The Parliament of the Commonwealth shall have the sole power and authority, subject to the provisions of this Constitution, to impose Customs duties, and duties of Excise upon goods for the time being the subject of Customs duties, and to grant bounties upon the production or export of goods.

But this exclusive power shall not come into force until uniform duties of Customs have been imposed by the Parliament of the Commonwealth.

Upon the imposition of uniform duties of Customs by the Parliament of the Commonwealth all laws of the several States imposing duties of Customs or duties of Excise upon goods the subject of Customs duties, and all such laws offering bounties upon the production or export of goods, shall cease to have effect.

The control and collection of duties of Customs and Excise and the payment of bounties shall nevertheless pass to the Executive Government of the Commonwealth upon the establishment of the Commonwealth.

Transfer of officers.

5. Upon the establishment of the Commonwealth, all officers employed by the Government of any State in any Department of the Public Service the control of which is by this Constitution assigned to the Commonwealth, shall become subject to the control of the Executive Government of the Commonwealth. But all existing rights of any such officers shall be preserved.



6. All lands, buildings, works, and materials necessarily appertaining to, or used in connection with, any Department of the Public Service the control of which is by this Constitution assigned to the Commonwealth, shall, from and after the date of the establishment of the Commonwealth, be taken over by and belong to the Commonwealth, either absolutely, or, in the case of the Departments controlling Customs and Excise and Bounties, for such time as may be necessary.

Transfer of land and buildings.

And the fair value thereof shall be paid by the Commonwealth to the State from which they are so taken over. Such value shall be ascertained by mutual agreement, or, if no agreement can be made, in the manner in which land taken by the Government of the State for public purposes is ascertained under the laws of the State.

7. Until uniform duties of Customs have been imposed by the Parliament of the Commonwealth, the powers of the Parliaments of the several States existing at the date of the establishment of the Commonwealth, respecting the imposition of duties of Customs, and duties of excise upon goods the subject of Customs duties, and the offering of bounties upon the production or export of goods, and the collection and payment thereof respectively, shall continue as theretofore.

Collection of existing duties of Customs and Excise.

And until such uniform duties have been imposed, the Laws of the several States in force at the date of the establishment of the Commonwealth respecting duties of Customs, and duties of excise on goods the subject of Customs duties, and bounties, and the collection and payment thereof, shall remain in force, subject nevertheless to such alterations of the amount of duties or bounties as the Parliaments of the several States may make from time to time; and such duties and bounties shall continue to be collected and paid as theretofore, but by and to the Officers of the Commonwealth.

8. So soon as the Parliament of the Commonwealth has imposed uniform duties of Customs, trade and intercourse throughout the Commonwealth, whether by means of internal carriage or ocean navigation, shall be absolutely free.

On establishment of uniform duties of Customs and Excise, trade within the Commonwealth to be free.

9. The Revenue of the Commonwealth shall be applied, in the first instance, in the payment of the expenditure of the Commonwealth, which shall be charged to the several States in proportion to the numbers of their people, and the surplus shall, until uniform duties of Customs have been imposed, be returned to the several States or parts of the Commonwealth in proportion to the amount of Revenue raised therein respectively, subject to the following provisions:—

Apportionment of surplus revenue.

- (1) As to duties of Customs or Excise, provision shall be made for ascertaining, as nearly as may be, the amount of duties collected in each State or part of the Commonwealth in respect of dutiable goods which are afterwards exported to another State or part of the Commonwealth, and the amount of the duties so ascertained shall be taken to have been collected in the State or part to which the goods have been so exported, and shall be added to the duties actually collected in that State or part, and deducted from the duties collected in the State or part of the Commonwealth from which the goods were exported:
- (2) As to the proceeds of direct taxes, the amount contributed or raised in respect of income earned in any State or part of the Commonwealth, or arising from property situated in any State or part of the Commonwealth, and the amount contributed or raised in respect of property situated in any State or part of the Commonwealth, shall be taken to have been raised in that State or part:



- (3) The amount of any bounties paid to any of the people of a State or part of the Commonwealth shall be deducted from the amount of the surplus to be returned to that State or part.

After uniform duties of Customs have been imposed, the surplus shall be returned to the several States or parts of the Commonwealth in the same manner and proportions until the Parliament otherwise prescribes.

Such return shall be made monthly, or at such shorter intervals as may be convenient.

Audit of Accounts.

10. Until the Parliament of the Commonwealth otherwise provides, the Laws in force in the several Colonies at the date of the establishment of the Commonwealth with respect to the receipt of revenue and the expenditure of money on account of the Government of the Colony, and the review and audit of such receipt and expenditure, shall apply to the receipt of revenue and the expenditure of money on account of the Commonwealth in the respective States in the same manner as if the Commonwealth, or the Government or an Officer of the Commonwealth, were mentioned therein whenever a Colony, or the Government or an Officer of a Colony, is mentioned or referred to.

#### *Equality of Trade.*

No preference to one State over another.

11. Preference shall not be given by any law or regulation of commerce or revenue to the ports of one part of the Commonwealth over those of another part of the Commonwealth.

The Parliament may give effect to this prohibition.

12. The Parliament of the Commonwealth may make laws prohibiting or annulling any law or regulation made by any State, or by any authority constituted by any State, having the effect of derogating from freedom of trade or commerce between the different parts of the Commonwealth.

#### *Consolidation of Public Debts of States.*

Public debts of States may be consolidated by general consent.

13. The Parliament of the Commonwealth may, with the consent of the Parliaments of all the States, make laws for taking over and consolidating the whole or any part of the public debt of any State or States, but so that a State shall be liable to indemnify the Commonwealth in respect of the amount of a debt taken over, and that the amount of interest payable in respect of a debt shall be deducted and retained from time to time from the share of the Surplus Revenue of the Commonwealth which would otherwise be payable to the State.

### CHAPTER V.

#### THE STATES.

Continuance of powers of Parliaments of the States.

1. All powers which at the date of the establishment of the Commonwealth are vested in the Parliaments of the several Colonies, and which are not by this Constitution exclusively vested in the Parliament of the Commonwealth, or withdrawn from the Parliaments of the several States, are reserved to, and shall remain vested in, the Parliaments of the States respectively.



2. All Laws in force in any of the Colonies relating to any of the matters declared by this Constitution to be within the Legislative powers of the Parliament of the Commonwealth shall, except as otherwise provided by this Constitution, continue in force in the States respectively, and may be repealed or altered by the Parliaments of the States, until other provision is made in that behalf by the Parliament of the Commonwealth.

Validity of existing laws.

3. When a Law of a State is inconsistent with a Law of the Commonwealth, the latter shall prevail, and the former shall, to the extent of the inconsistency, be invalid.

Inconsistency of Laws.

4. All powers and functions which are at the date of the establishment of the Commonwealth vested in the Governors of the Colonies respectively, shall, so far as the same are capable of being exercised after the establishment of the Commonwealth in relation to the government of the States, continue to be vested in the Governors of the States respectively.

Powers to be exercised by Governors of States.

5. All references or communications required by the Constitution of any State or otherwise to be made by the Governor of the State to the Queen shall be made through the Governor-General, as Her Majesty's Representative in the Commonwealth, and the Queen's pleasure shall be made known through him.

All references to the Queen to be through the Governor-General.

6. Subject to the provisions of this Constitution, the Constitutions of the several States of the Commonwealth shall continue as at the date of the establishment of the Commonwealth, until altered by or under the authority of the Parliaments thereof in accordance with the provisions of their respective Constitutions.

Saving of Constitutions.

7. In each State of the Commonwealth there shall be a Governor.

Governors of States.

8. The Parliament of a State may make such provisions as it thinks fit as to the manner of appointment of the Governor of the State, and for the tenure of his office, and for his removal from office.

Appointment of Governors.

9. The provisions of this Constitution relating to the Governor of a State extend and apply to the Governor for the time being of the State, or other the Chief Executive Officer or Administrator of the government of the State, by whatever title he is designated.

Application of provisions referring to Governor.

10. A member of the Senate or House of Representatives shall not be capable of being chosen or of sitting as a member of any House of the Parliament of a State.

Members of Senate or House of Representatives not to sit in State Parliament.

11. If a member of a House of the Parliament of a State is, with his own consent, chosen as a member of either House of the Parliament of the Commonwealth, his place in the first mentioned House of Parliament shall become vacant.

Member of State Parliament not to be Member of the Parliament of the Commonwealth.



A State may cede  
any of its Territory.

12. The Parliament of a State may at any time surrender any part of the State to the Commonwealth, and upon such surrender and the acceptance thereof by the Commonwealth such part of the State shall become and be subject to the exclusive jurisdiction of the Parliament of the Commonwealth.

States not to levy  
import or export  
duties, except for  
certain purposes.

13. A State shall not impose any taxes or duties on imports or exports, except such as are necessary for executing the inspection laws of the State; and the net produce of all taxes and duties imposed by a State on imports or exports shall be for the use of the Commonwealth; and any such inspection laws may be annulled by the Parliament of the Commonwealth.

Nor levy duty of  
tonnage, nor tax the  
land of the Common-  
wealth, nor maintain  
forces.  
State land exempted  
from taxation.

14. A State shall not, without the consent of the Parliament of the Commonwealth, impose any duty of tonnage, or raise or maintain any military or naval force, or impose any tax on any land or other property belonging to the Commonwealth; nor shall the Commonwealth impose any tax on any land or property belonging to a State.

State not to coin  
money.

15. A State shall not coin money, or make anything but gold and silver coin a legal tender in payment of debts.

Nor prohibit any  
religion.

16. A State shall not make any law prohibiting the free exercise of any religion.

Protection of citizens  
of the Common-  
wealth.

17. A State shall not make or enforce any law abridging any privilege or immunity of citizens of other States of the Commonwealth, nor shall a State deny to any person, within its jurisdiction, the equal protection of the laws.

Recognition of Acts  
of State of various  
States.

18. Full faith and credit shall be given, throughout the Commonwealth, to the Laws, the Public Acts and Records, and the Judicial Proceedings, of the States.

Protection of States  
from invasion.

19. The Commonwealth shall protect every State against invasion and, on the application of the Executive Government of a State, against domestic violence.

Custody of offenders  
against laws of the  
Commonwealth.

20. Every State shall make provision for the detention and punishment in its prisons of persons accused or convicted of offences against the laws of the Commonwealth, and the Parliament of the Commonwealth may make laws to give effect to this provision.

## CHAPTER VI.

### NEW STATES.

Admission of existing  
Colonies to the  
Commonwealth.

1. Any of the existing Colonies of [*name the existing Colonies which have not adopted the Constitution*] may upon adopting this Constitution be admitted to the Commonwealth, and shall thereupon become and be a State of the Commonwealth.

New States may be  
admitted to the Com-  
monwealth.

2. The Parliament of the Commonwealth may from time to time establish and admit to the Commonwealth new States, and may upon such establishment and admission make and impose such conditions, as to the extent of Representation in either House of the Parliament or otherwise, as it thinks fit.



3. The Parliament may make such laws as it thinks fit for the provisional administration and government of any territory surrendered by any State to and accepted by the Commonwealth, or any territory in the Pacific placed by the Queen under the authority of and accepted by the Commonwealth, or otherwise acquired by the Commonwealth, and may in any such case allow the representation of such territory in either House of the Parliament to such extent and on such terms as it thinks fit. Provisional government of Territories.

4. The Parliament of the Commonwealth may, from time to time, with the consent of the Parliament of a State, increase, diminish, or otherwise alter the limits of the State, upon such terms and conditions as may be agreed to, and may, with the like consent, make provision respecting the effect and operation of any such increase or diminution or alteration of territory in relation to any State affected by it. Alteration of limits of States.

5. A new State shall not be formed by separation of territory from a State without the consent of the Parliament thereof, nor shall a State be formed by the union of two or more States or parts of States, or the limits of a State be altered, without the consent of the Parliament or Parliaments of the State or States concerned. Saving of rights of States.

## CHAPTER VII.

### MISCELLANEOUS.

1. The seat of Government of the Commonwealth shall be determined by the Parliament. Seat of Government.

Until such determination is made the Parliament shall be summoned to meet at such place within the Commonwealth as a majority of the Governors of the States, or, in the event of an equal division of opinion amongst the Governors, as the Governor-General shall direct.

2. The Queen may authorise the Governor-General from time to time to appoint any person or any persons jointly or severally to be his Deputy or Deputies within any part or parts of the Commonwealth, and in that capacity to exercise during the pleasure of the Governor-General such of the powers and functions of the Governor-General as he deems it necessary or expedient to assign to such Deputy or Deputies, subject to any limitations or directions expressed or given by the Queen, but the appointment of such Deputy or Deputies shall not affect the exercise by the Governor-General himself of any power or function. Power to Her Majesty to authorise Governor-General to appoint Deputies.

3. In reckoning the numbers of the people of a State or other part of the Commonwealth aboriginal natives of Australia shall not be counted. Aborigines of Australia not to be counted in reckoning population.



**CHAPTER VIII.****AMENDMENT OF THE CONSTITUTION.**

Mode of amending  
the Constitution.

1. The provisions of this Constitution shall not be altered except in the following manner:—

Any law for the alteration thereof must be passed by an absolute majority of the Senate and House of Representatives, and shall thereupon be submitted to Conventions, to be elected by the electors of the several States qualified to vote for the election of Members of the House of Representatives.

The Conventions shall be summoned, elected, and held in such manner as the Parliament of the Commonwealth prescribes by law, and shall, when elected, proceed to vote upon the proposed amendment.

And if the proposed amendment is approved by the Conventions of a majority of the States, and if the people of the States whose Conventions approve of the amendment are also a majority of the people of the Commonwealth, the proposed amendment shall be presented to the Governor-General for the Queen's assent.

But an amendment by which the proportionate representation of any State in either House of the Parliament of the Commonwealth, or the minimum number of Representatives of a State in the House of Representatives, is diminished, shall not become law without the consent of the Convention of that State.

**THE SCHEDULE.**

I, A.B., do swear [*or do solemnly and sincerely affirm and declare*] that I will be faithful and bear true allegiance to Her Majesty Queen Victoria, her heirs, and successors, according to law.

(NOTE.—*The name of the King or Queen of the United Kingdom of Great Britain and Ireland for the time being is to be substituted from time to time.*)



Draft of a Bill as adopted by the National Australasian  
Convention, 9th April, 1891.

HENRY PARKES,  
*President.*

F. W. WEBB,  
*Secretary.*

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## DRAFT OF A BILL

To Constitute the Commonwealth of Australia.

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**W**HEREAS the Australasian Colonies of [*here name the Colonies* Preamble.  
*which have adopted the Constitution*] have by [*here describe*  
*the mode by which the assent of the Colonies has been expressed*] agreed  
to unite in one Federal Commonwealth under the Crown of the  
United Kingdom of Great Britain and Ireland, and under the  
Constitution hereby established: And whereas it is expedient to make  
provision for the admission into the Commonwealth of other Austra-  
lasian Colonies and Possessions of Her Majesty: Be it therefore  
enacted by the Queen's Most Excellent Majesty, by and with the  
advice and consent of the Lords Spiritual and Temporal, and  
Commons, in the present Parliament assembled, and by the authority  
of the same, as follows:—

1. This Act may be cited as "The Constitution of the Short title.  
Commonwealth of Australia."

2. The provisions of this Act referring to Her Majesty the Application of  
Queen extend also to the Heirs and Successors of Her Majesty in the provisions referring  
Sovereignty of the United Kingdom of Great Britain and Ireland. to the Queen.



*Constitution of the Commonwealth of Australia.*

Power to proclaim  
Commonwealth of  
Australia.

3. It shall be lawful for the Queen, by and with the advice of Her Majesty's Most Honorable Privy Council, to declare by Proclamation that, on and after a day therein appointed, not being later than six months after the passing of this Act, the Colonies of [*here name the Colonies which have adopted the Constitution*] (which said Colonies and Province are hereinafter severally included in the expression "the said Colonies") shall be united in one Federal Commonwealth under the Constitution hereby established, and under the name of "The Commonwealth of Australia"; and on and after that day the said Colonies shall be united in one Federal Commonwealth under that name.

Commencement  
of Act.

4. Unless where it is otherwise expressed or implied, this Act shall commence and have effect on and from the day so appointed in the Queen's Proclamation; and the name "The Commonwealth of Australia" or "The Commonwealth" shall be taken to mean the Commonwealth of Australia as constituted under this Act.

"States."

5. The term "The States" shall be taken to mean such of the existing Colonies of New South Wales, New Zealand, Queensland, Tasmania, Victoria, and Western Australia, and the Province of South Australia, as for the time being form part of the Commonwealth, and such other States as may hereafter be admitted into the Commonwealth under the Constitution thereof, and each of such Colonies so forming part of the Commonwealth shall be hereafter designated a "State."

Repeal of 48 and 49  
Vict., chap. 60.

6. "The Federal Council of Australasia Act, 1885," is hereby repealed, but such repeal shall not affect any laws passed by the Federal Council of Australasia and in force at the date of the establishment of the Constitution of the Commonwealth.

But any such law may be repealed as to any State by the Parliament of the Commonwealth, and may be repealed as to any Colony, not being a State, by the Parliament thereof.

Operation of  
the Constitution  
and laws of the  
Commonwealth.

7. The Constitution established by this Act, and all Laws made by the Parliament of the Commonwealth in pursuance of the powers conferred by the Constitution, and all Treaties made by the Commonwealth, shall, according to their tenor, be binding on the Courts, Judges, and people, of every State, and of every part of the Commonwealth, anything in the laws of any State to the contrary notwithstanding: and the Laws and Treaties of the Commonwealth shall be in force on board of all British ships whose last port of clearance or whose port of destination is in the Commonwealth.



8. The Constitution of the Commonwealth shall be as follows :— Constitution.

## THE CONSTITUTION.

This Constitution is divided into Chapters and parts as follows :— Division of Constitution.

### CHAPTER I.—THE PARLIAMENT:

PART I.—GENERAL;

PART II.—THE SENATE;

PART III.—THE HOUSE OF REPRESENTATIVES;

PART IV.—PROVISIONS RELATING OF BOTH HOUSES;

PART V.—POWERS OF THE PARLIAMENT:

### CHAPTER II.—THE EXECUTIVE GOVERNMENT:

### CHAPTER III.—THE FEDERAL JUDICATURE:

### CHAPTER IV.—FINANCE AND TRADE:

### CHAPTER V.—THE STATES:

### CHAPTER VI.—NEW STATES:

### CHAPTER VII.—MISCELLANEOUS:

### CHAPTER VIII.—AMENDMENT OF THE CONSTITUTION.

## CHAPTER I.

### THE PARLIAMENT.

#### PART I.—GENERAL.

1. The Legislative powers of the Commonwealth shall be vested in a Federal Parliament, which shall consist of Her Majesty, a Senate, and a House of Representatives, and which is hereinafter called "The Parliament."

2. The Queen may, from time to time, appoint a Governor-General, who shall be Her Majesty's Representative in the Commonwealth, and who shall have and may exercise in the Commonwealth during the Queen's pleasure, and subject to the provisions of this Constitution, such powers and functions as the Queen may think fit to assign to him.

3. The Annual Salary of the Governor-General shall be fixed by the Parliament from time to time, but shall not be less than Ten thousand pounds, and shall be payable to the Queen out of the Consolidated Revenue Fund of the Commonwealth. The Salary of a Governor-General shall not be diminished during his continuance in office.

4. The provisions of this Constitution relating to the Governor-General extend and apply to the Governor-General for the time being or other the Chief Executive Officer or Administrator of the Government of the Commonwealth, by whatever title he is designated.

5. Every Member of the Senate, and every Member of the House of Representatives, shall before taking his seat therein make and subscribe before the Governor-General, or some person authorized by him, an Oath or Affirmation of Allegiance in the form set forth in the Schedule to this Constitution.



Governor-General to fix times and places for holding Session of Parliament.

Power of dissolution of House of Representatives.

First Session of Parliament.

Yearly Session of Parliament.

Privileges, &c., of Houses.

6. The Governor-General may appoint such times for holding the first and every other Session of the Parliament, as he may think fit, giving sufficient notice thereof, and may also from time to time, by proclamation or otherwise, prorogue the said Parliament, and may in like manner dissolve the House of Representatives.

The Parliament shall be called together not later than six months after the date of the establishment of the Commonwealth.

7. There shall be a Session of the Parliament once at least in every year, so that twelve months shall not intervene between the last sitting of the Parliament in one Session, and its first sitting in the next Session.

8. The privileges, immunities, and powers, to be held, enjoyed, and exercised by the Senate and by the House of Representatives respectively, and by the Members thereof, shall be such as are from time to time declared by the Parliament, and until declared shall be those held, enjoyed, and exercised by the Commons House of Parliament of the United Kingdom, and by the Members thereof, at the date of the establishment of the Commonwealth.

## PART II.—THE SENATE.

Senate.

9. The Senate shall be composed of eight members for each State, directly chosen by the Houses of the Parliament of the several States during a Session thereof, and each Senator shall have one vote.

The Senators shall be chosen for a term of six years.

The names of the Senators chosen in each State shall be certified by the Governor to the Governor-General.

Mode of election of Senators.

10. The Parliament of the Commonwealth may make laws prescribing a uniform manner of choosing the Senators. Subject to such laws, if any, the Parliament of each State may determine the time, place, and manner of choosing the Senators for that State by the Houses of Parliament thereof.

Failure of a State to choose Senators not to prevent business.

11. The failure of any State to provide for its representation in the Senate shall not affect the power of the Senate to proceed to the despatch of business.

Retirement of Senators.

12. As soon as practicable after the Senate is first assembled the Senators chosen for each State shall be divided by lot into two classes. The places of the Senators of the first class shall be vacated at the expiration of the third year, and the places of those of the second class at the expiration of the sixth year, from the commencement of their term of service as herein declared, so that one-half may be chosen every third year.

For the purposes of this section the term of service of a Senator shall begin on and be reckoned from the first day of January next succeeding the day of his election, except in the case of the first election, when it shall be reckoned from the first day of January preceding the day of his election. The election of Senators to fill the places of Senators retiring by rotation shall be made in the year preceding the day on which the retiring Senators are to retire.

How vacancies filled.

13. If the place of a Senator becomes vacant during the recess of the Parliament of the State which he represented the Governor of the State, by and with the advice of the Executive Council thereof, may appoint a Senator to fill such vacancy until the next Session of the Parliament of the State, when the Houses of Parliament shall choose a Senator to fill the vacancy.



14. If the place of a Senator becomes vacant before the expiration of the term of service for which he was chosen, the Senator chosen to fill his place shall hold the same only during the unexpired portion of the term for which the previous Senator was chosen.

Tenure of Seats of  
Senators elected to  
Senate owing to  
vacancies.

15. The qualifications of a Senator shall be as follows:—

Qualifications of  
Senator.

- (1) He must be of the full age of thirty years, and must, when chosen, be an elector entitled to vote in some State at the election of Members of the House of Representatives of the Commonwealth, and must have been for five years at the least a resident within the limits of the Commonwealth as existing at the time when he is chosen;
- (2) He must be either a natural born subject of the Queen, or a subject of the Queen naturalised by or under a Law of the Parliament of the United Kingdom of Great Britain and Ireland, or of the Parliament of one of the said Colonies, or of the Parliament of the Commonwealth, or of a State, at least five years before he is chosen.

16. The Senate shall, at its first meeting and before proceeding to the despatch of any other business, choose a Senator to be the President of the Senate; and as often as the office of President becomes vacant the Senate shall again choose a Senator to be the President; and the President shall preside at all meetings of the Senate; and the choice of the President shall be made known to the Governor-General by a deputation of the Senate.

Election of President  
of the Senate.

The President may be removed from office by a vote of the Senate. He may resign his office; and upon his ceasing to be a Senator his office shall become vacant.

17. In case of the absence of the President, the Senate may choose some other Senator to perform the duties of the President during his absence.

Absence of President  
provided for.

18. A Senator may, by writing under his hand addressed to the President, or if there is no President, or the President is absent from the Commonwealth, to the Governor-General, resign his place in the Senate, and thereupon the same shall be vacant.

Resignation of place  
in Senate.

19. The place of a Senator shall become vacant if for one whole Session of the Parliament he, without the permission of the Senate entered on its Journals, fails to give his attendance in the Senate.

Disqualification of  
Senator by absence.

20. Upon the happening of a vacancy in the Senate the President, or if there is no President, or the President is absent from the Commonwealth, the Governor-General shall forthwith notify the same to the Governor of the State which the Senator whose place is vacated represented.

Vacancy in Senate  
to be notified to  
Governor of State.

21. If any question arises respecting the qualification of a Senator or a vacancy in the Senate, the same shall be determined by the Senate.

Questions as to  
qualifications and  
vacancies in Senate.

22. Until the Parliament otherwise provides, the presence of at least one-third of the whole number of Senators, as provided by this Constitution, shall be necessary to constitute a meeting of the Senate for the exercise of its powers.

Quorum of Senate.



Voting in Senate.

23. Questions arising in the Senate shall be determined by a majority of votes, and the President shall in all cases be entitled to a vote; and when the votes are equal the question shall pass in the negative.

### PART III.—THE HOUSE OF REPRESENTATIVES.

Constitution of House of Representatives.

24. The House of Representatives shall be composed of Members chosen every three years by the people of the several States, according to their respective numbers; and until the Parliament of the Commonwealth otherwise provides, each State shall have one Representative for every thirty thousand of its people.

Provided that in the case of any of the existing Colonies of New South Wales, New Zealand, Queensland, Tasmania, Victoria, and Western Australia, and the Province of South Australia, until the number of the people is such as to entitle the State to four Representatives it shall have four Representatives.

Qualification of electors.

25. The qualification of electors of Members of the House of Representatives shall be in each State that which is prescribed by the law of the State as the qualification for electors of the more numerous House of the Parliament of the State.

Provision for case of persons not allowed to vote.

26. When in any State the people of any race are not entitled by law to vote at elections for the more numerous House of the Parliament of the State, the Representation of that State in the House of Representatives shall be reduced in the proportion which the number of people of that race in the State bears to the whole number of the people of the State.

Mode of calculating number of Members.

27. When upon the apportionment of Representatives it is found that after dividing the number of the people of a State by the number in respect of which a State is entitled to one Representative there remains a surplus greater than one-half of such number, the State shall have one additional Representative.

Representatives in first Parliament.

28. The number of members to be chosen by each State at the first election shall be as follows: [*To be determined according to latest statistical returns at the date of the passing of the Act.*]

Periodical reapportionment.

29. A fresh apportionment of Representatives to the States shall be made after each Census of the people of the Commonwealth, which shall be taken at intervals not longer than ten years. But a fresh apportionment shall not take effect until the then next General Election.

Increase of number of House of Representatives.

30. The number of Members of the House of Representatives may be from time to time increased or diminished by the Parliament of the Commonwealth, but so that the proportionate representation of the several States, according to the numbers of their people, and the minimum number of Members, prescribed by this Constitution, for any State shall be preserved.

Electoral Divisions.

31. The electoral divisions of the several States for the purpose of returning members of the House of Representatives shall be determined from time to time by the Parliaments of the several States.



32. The qualifications of a Member of the House of Representatives shall be as follows :—

Qualifications of  
Member of House of  
Representatives.

- (1) He must be of the full age of twenty-one years, and must when elected be an elector entitled to vote in some State at the election of members of the House of Representatives, and must have been for three years at the least a resident within the limits of the Commonwealth as existing at the time when he is elected;
- (2) He must be either a natural born subject of the Queen, or a subject of the Queen naturalised by or under a law of the Parliament of Great Britain and Ireland, or of the Parliament of one of the said Colonies, or of the Parliament of the Commonwealth, or of a State, at least three years before he is elected.

33. A Senator shall not be capable of being elected or of sitting as a Member of the House of Representatives.

Disqualification of  
Senators.

34. The House of Representatives shall, at its first meeting after every General Election, and before proceeding to the despatch of any other business, choose a Member to be the Speaker of the House, and as often as the office of Speaker becomes vacant the House shall again choose a Member to be Speaker; and the Speaker shall preside at all meetings of the House of Representatives; and the choice of a Speaker shall be made known to the Governor-General by a deputation of the House.

Election of Speaker  
of House of Repre-  
sentatives.

The Speaker may be removed from office by a vote of the House, or may resign his office.

35. In case of the absence of the Speaker, the House of Representatives may choose some other Member to perform the duties of the Speaker during his absence.

Absence of Speaker  
provided for.

36. A Member of the House of Representatives may, by writing under his hand addressed to the Speaker, or if there is no Speaker, or he is absent from the Commonwealth, to the Governor-General, resign his place in the House of Representatives, and thereupon the same shall be vacant.

Resignation of place  
in House of  
Representatives.

37. The place of a Member of the House of Representatives shall become vacant if for one whole Session of the Parliament he, without permission of the House of Representatives entered on its Journals, fails to give his attendance in the House.

Disqualification of  
Member by absence.

38. Upon the happening of a vacancy in the House of Representatives, the Speaker shall, upon a resolution of the House, issue his writ for the election of a new member.

Issue of new writs.

In the case of a vacancy by death or resignation happening when the Parliament is not in session, or during an adjournment of the House for a period of which a part longer than seven days is unexpired, the Speaker, or if there is no Speaker, or he is absent from the Commonwealth, the Governor-General shall issue, or cause to be issued, a writ without such resolution.

39. Until the Parliament otherwise provides the presence of at least one-third of the whole number of the Members of the House of Representatives shall be necessary to constitute a meeting of the House for the exercise of its powers.

Quorum of House of  
Representatives.

40. Questions arising in the House of Representatives shall be determined by a majority of votes other than that of the Speaker; and when the votes are equal, but not otherwise, the Speaker shall have a casting vote.

Voting in House of  
Representatives.



Duration of House  
of Representatives.

**41.** Every House of Representatives shall continue for three years from the day appointed for the first meeting of the House, and no longer, subject, nevertheless, to be sooner dissolved by the Governor-General.

The Parliament shall be called together not later than thirty days after the day appointed for the return of the Writs for a General Election.

Writs for General  
Election.

**42.** For the purpose of holding General Elections of Members to serve in the House of Representatives, the Governor-General may cause Writs to be issued by such persons, in such form, and addressed to such Returning Officers, as he thinks fit.

Continuance of  
existing Election  
Laws until the  
Parliament otherwise  
provides.

**43.** Until the Parliament of the Commonwealth otherwise provides, the laws in force in the several States for the time being, relating to the following matters, namely: The manner of conducting Elections for the more numerous House of the Parliament, the proceedings at such elections, the oaths to be taken by voters, the Returning Officers, their powers and duties, the periods during which Elections may be continued, the execution of new Writs in case of places vacated otherwise than by dissolution, and offences against the laws regulating such Elections, shall respectively apply to Elections in the several States of Members to serve in the House of Representatives.

Questions as to  
qualifications and  
vacancies.

**44.** If any question arises respecting the qualification of a Member or a vacancy in the House of Representatives, the same shall be heard and determined by the House of Representatives.

#### PART IV.—PROVISIONS RELATING TO BOTH HOUSES.

Allowance to  
members.

**45.** Each member of the Senate and House of Representatives shall receive an annual allowance for his services, the amount of which shall be fixed by the Parliament from time to time. Until other provision is made in that behalf by the Parliament the amount of such annual allowance shall be five hundred pounds.

Disqualifications of  
Members.

**46.** Any person—

- (1) Who has taken an oath or made a declaration or acknowledgment of allegiance, obedience, or adherence to a Foreign Power, or has done any act whereby he has become a subject or citizen or entitled to the rights or privileges of a subject or a citizen of a Foreign Power; or
- (2) Who is an undischarged bankrupt or insolvent, or a public defaulter; or
- (3) Who is attainted of treason, or convicted of felony or of any infamous crime;

shall be incapable of being chosen or of sitting as a Senator or Member of the House of Representatives until the disability is removed by a grant of a discharge, or the expiration or remission of the sentence, or a pardon, or release, or otherwise.

Place to become  
vacant on happening  
of certain dis-  
qualifications.

**47.** If a Senator or Member of the House of Representatives—

- (1) Takes an oath or makes a declaration or acknowledgment of allegiance, obedience, or adherence to a Foreign Power, or does any act whereby he becomes a subject or citizen, or entitled to the rights or privileges of a subject or citizen, of a Foreign Power; or
- (2) Is adjudged bankrupt or insolvent, or takes the benefit of any law relating to bankrupt or insolvent debtors, or becomes a public defaulter; or
- (3) Is attainted of treason or convicted of felony or of any infamous crime;

his place shall thereupon become vacant.



48. Any person who directly or indirectly himself, or by any person in trust for him, or for his use or benefit, or on his account, undertakes, executes, holds, or enjoys, in the whole or in part, any agreement for or on account of the Public Service of the Commonwealth, shall be incapable of being chosen or of sitting as a Senator or Member of the House of Representatives while he executes, holds, or enjoys the agreement, or any part or share of it, or any benefit or emolument arising from it.

Disqualifying contractors and persons interested in contracts.

If any person, being a Senator or Member of the House of Representatives, enters into any such agreement, or having entered into it continues to hold it, his place shall thereupon become vacant.

But this section does not extend to any agreement made, entered into, or accepted, by an incorporated company consisting of more than twenty persons if the agreement is made, entered into, or accepted for the general benefit of the company.

Proviso exempting members of trading companies.

49. If a Senator or Member of the House of Representatives accepts any office of profit under the Crown, not being one of the offices of State held during the pleasure of the Governor-General, and the holders of which are by this Constitution declared to be capable of being chosen and of sitting as Members of either House of Parliament, or accepts any pension payable out of any of the revenues of the Commonwealth during the pleasure of the Crown, his place shall thereupon become vacant, and no person holding any such office, except as aforesaid, or holding or enjoying any such pension, shall be capable of being chosen or of sitting as a Member of either House of the Parliament :

Place to become vacant on accepting office of profit.

But this provision does not apply to a person who is in receipt only of pay, half-pay, or a pension, as an Officer of the Queen's Navy or Army, or who receives a new Commission in the Queen's Navy or Army, or an increase of pay on a new Commission, or who is in receipt only of pay as an Officer or member of the Military or Naval Forces of the Commonwealth and whose services are not wholly employed by the Commonwealth.

Exceptions.

50. If any person by this Constitution declared to be incapable of sitting in the Senate or House of Representatives sits as a Senator or Member of the House of Representatives, he shall, for every day on which he sits, be liable to pay the sum of one hundred pounds to any person who may sue for it in any Court of competent jurisdiction.

Penalty for sitting when disqualified.

51. The Senate and House of Representatives may from time to time prepare and adopt such Standing Rules and Orders as may appear to them respectively best adapted—

Standing Rules and Orders to be made.

- (1) For the orderly conduct of the business of the Senate and House of Representatives respectively :
- (2) For the mode in which the Senate and House of Representatives shall confer, correspond, and communicate with each other relative to Votes or proposed Laws adopted by or pending in the Senate or House of Representatives respectively :
- (3) For the manner in which Notices of proposed Laws, Resolutions, and other business intended to be submitted to the Senate and House of Representatives respectively may be published for general information :



- (4) For the manner in which proposed Laws are to be introduced, passed, numbered, and intitled in the Senate and House of Representatives respectively;
- (5) For the proper presentation of any Laws passed by the Senate and House of Representatives to the Governor-General for his assent: and
- (6) Generally for the conduct of all business and proceedings of the Senate and House of Representatives severally and collectively.

#### PART V.—POWERS OF THE PARLIAMENT.

Legislative powers of  
the Parliament.

52. The Parliament shall, subject to the provisions of this Constitution, have full power and authority to make all such Laws as it thinks necessary for the peace, order, and good government of the Commonwealth, with respect to all or any of the matters following, that is to say:—

1. The regulation of Trade and Commerce with other Countries, and among the several States;
2. Customs and Excise and bounties, but so that duties of Customs and Excise and bounties shall be uniform throughout the Commonwealth, and that no tax or duty shall be imposed on any goods exported from one State to another;
3. Raising money by any other mode or system of taxation; but so that all such taxation shall be uniform throughout the Commonwealth;
4. Borrowing money on the public credit of the Commonwealth;
5. Postal and Telegraphic Services;
6. The Military and Naval Defence of the Commonwealth and the several States and the calling out of the Forces to execute and maintain the laws of the Commonwealth, or of any State or part of the Commonwealth;
7. Munitions of War;
8. Navigation and Shipping;
9. Ocean Beacons and Buoys, and Ocean Light-houses and Light-ships;
10. Quarantine;
11. Fisheries in Australian waters beyond territorial limits;
12. Census and Statistics;
13. Currency, Coinage, and Legal Tender;
14. Banking, the Incorporation of Banks, and the Issue of Paper Money;
15. Weights and Measures;
16. Bills of Exchange and Promissory Notes;
17. Bankruptcy and Insolvency;
18. Copyrights and Patents of Inventions, Designs, and Trade Marks;
19. Naturalization and Aliens;
20. The Status in the Commonwealth of Foreign Corporations, and of Corporations formed in any State or part of the Commonwealth;
21. Marriage and Divorce;
22. The Service and Execution throughout the Commonwealth of the Civil and Criminal Process and Judgments of the Courts of the States;
23. The recognition throughout the Commonwealth of the Laws, the Public Acts and Records, and the Judicial Proceedings, of the States;



24. Immigration and Emigration ;
25. The influx of Criminals ;
26. External affairs and Treaties ;
27. The relations of the Commonwealth to the Islands of the Pacific ;
28. River Navigation with respect to the common purposes of two or more States, or parts of the Commonwealth ;
29. The control of Railways with respect to transport for the purposes of the Commonwealth ;
30. Matters referred to the Parliament of the Commonwealth by the Parliament or Parliaments of any State or States, but so that the Law shall extend only to the State or States by whose Parliament or Parliaments the matter was referred, and to such other States as may afterwards adopt the Law ;
31. The exercise within the Commonwealth, at the request or with the concurrence of the Parliaments of all the States concerned, of any Legislative powers with respect to the affairs of the territory of the Commonwealth, or any part of it, which can at the date of the establishment of this Constitution be exercised only by the Parliament of the United Kingdom or by the Federal Council of Australasia ;
32. Any matters necessary or incidental for carrying into execution the foregoing powers and any other powers vested by this Constitution in the Parliament or Executive Government of the Commonwealth or in any department or officer thereof.

53. The Parliament shall, also, subject to the provisions of this Constitution, have exclusive power to make laws for the peace, order, and good government of the Commonwealth with respect to the following matters :—

Exclusive powers of  
the Parliament.

1. The affairs of people of any race with respect to whom it is deemed necessary to make special laws not applicable to the general community ; but so that this power shall not extend to authorise legislation with respect to the affairs of the aboriginal native race in Australia and the Maori race in New Zealand ;
2. The government of any territory which may by surrender of any State or States and the acceptance of the Parliament become the seat of Government of the Commonwealth, and the exercise of like authority over all places acquired by the Commonwealth, with the consent of the Parliament of the State in which such places are situate, for the construction of forts, magazines, arsenals, dockyards, quarantine stations, or for any other purposes of general concern ;
3. Matters relating to any Department or Departments of the Public Service the control of which is by this Constitution transferred to the Executive Government of the Commonwealth ;
4. Such other matters as are by this Constitution declared to be within the exclusive powers of the Parliament.

#### *Money Bills.*

54. Laws appropriating any part of the public revenue, or Money Bills, imposing any tax or impost shall originate in the House of Representatives.



Appropriation and  
Tax Bills.

55. (1) The Senate shall have equal power with the House of Representatives in respect of all proposed Laws, except Laws imposing taxation and Laws appropriating the necessary supplies for the ordinary annual services of the Government, which the Senate may affirm or reject, but may not amend. But the Senate may not amend any proposed Law in such a manner as to increase any proposed charge or burden on the people.

(2) Laws imposing taxation shall deal with the imposition of taxation only.

(3) Laws imposing taxation except Laws imposing duties of Customs on imports shall deal with one subject of taxation only.

(4) The expenditure for services other than the ordinary annual services of the Government shall not be authorised by the same Law as that which appropriates the supplies for such ordinary annual services, but shall be authorised by a separate Law or Laws.

(5) In the case of a proposed Law which the Senate may not amend, the Senate may at any stage return it to the House of Representatives with a message requesting the omission or amendment of any items or provisions therein. And the House of Representatives may, if it thinks fit, make such omissions or amendments, or any of them, with or without modifications.

Recommendation of  
money votes.

56. It shall not be lawful for the House of Representatives to pass any vote, resolution, or Law for the appropriation of any part of the public revenue, or of the produce of any tax or impost, to any purpose that has not been first recommended to that House by message of the Governor-General in the Session in which the vote, resolution, or Law, is proposed.

#### *Royal Assent.*

Royal assent to  
Bills.

57. When a Law passed by the Parliament is presented to the Governor-General for the Queen's assent, he shall declare, according to his discretion, but subject to the provisions of this Constitution, either that he assents to it in the Queen's name, or that he withholds assent, or that he reserves the Law for the Queen's pleasure to be made known.

The Governor-General may return to the Parliament any Law so presented to him, and may transmit therewith any amendments which he may desire to be made in such Law, and the Parliament may deal with such proposed amendments as it thinks fit.

Disallowance by  
Order in Council of  
Law assented to by  
Governor-General.

58. When the Governor-General assents to a Law in the Queen's name he shall by the first convenient opportunity send an authentic copy to the Queen, and if the Queen in Council within two years after receipt thereof thinks fit to disallow the Law, such disallowance being made known by the Governor-General, by speech or message, to each of the Houses of the Parliament, or by proclamation, shall annul the Law from and after the day when the disallowance is so made known.

Signification of  
Queen's Pleasure on  
Bill reserved.

59. A Law reserved for the Queen's pleasure to be made known with respect to it shall not have any force unless and until within two years from the day on which it was presented to the Governor-General for the Queen's assent, the Governor-General makes known by speech or message to each of the Houses of the Parliament, or by proclamation, that it has received the assent of the Queen in Council.

An entry of every such speech, message, or proclamation shall be made in the journal of each House, and a duplicate thereof duly attested shall be delivered to the proper officer to be kept among the records of the Parliament.



## CHAPTER II.

### THE EXECUTIVE GOVERNMENT.

1. The Executive power and authority of the Commonwealth is vested in the Queen, and shall be exercised by the Governor-General as the Queen's Representative. Executive power to be vested in the Queen.
2. There shall be a Council to aid and advise the Governor-General in the government of the Commonwealth, and such Council shall be styled the Federal Executive Council; and the persons who are to be Members of the Council shall be from time to time chosen and summoned by the Governor-General and sworn as Executive Councillors, and shall hold office during his pleasure. Constitution of Executive Council for Commonwealth.
3. The provisions of this Constitution referring to the Governor-General in Council shall be construed as referring to the Governor-General acting with the advice of the Federal Executive Council. Application of provisions referring to Governor-General.
4. For the administration of the Executive government of the Commonwealth, the Governor-General may, from time to time, appoint Officers to administer such Departments of State of the Commonwealth as the Governor-General in Council may from time to time establish, and such Officers shall hold office during the pleasure of the Governor-General, and shall be capable of being chosen and of sitting as Members of either House of the Parliament. Ministers of State. May sit in Parliament.  
Such Officers shall be Members of the Federal Executive Council, and shall be the Queen's Ministers of State for the Commonwealth.
5. Until other provision is made by the Parliament, the number of such Officers who may sit in the Parliament shall not exceed seven, who shall hold such offices, and by such designation, as the Parliament from time to time prescribes by Law, or, in the absence of any such Law, as the Governor-General from time to time directs. Number of Ministers.
6. Until other provision is made by the Parliament, there shall be payable to the Queen, out of the Consolidated Revenue Fund of the Commonwealth, for the salaries of such Officers, the sum of fifteen thousand pounds per annum. Salaries of Ministers.
7. Until other provision is made by the Parliament, the appointment and removal of all other officers of the Government of the Commonwealth shall be vested in the Governor-General in Council, except officers whose appointment may be delegated by the Governor-General in Council to some other officer or person. Appointment of Civil Servants.
8. The Executive power and authority of the Commonwealth shall extend to the execution of the provisions of this Constitution, and the Laws of the Commonwealth. Authority of Executive.
9. The Command in Chief of all Military and Naval Forces of the Commonwealth is hereby vested in the Governor-General as the Queen's Representative. Command of Military and Naval Forces.



Immediate assumption of control of certain Departments.

10. The control of the following departments of the Public Service shall be at once assigned to and assumed and taken over by the Executive Government of the Commonwealth, and the Commonwealth shall assume the obligations of any State or States with respect to such matters, that is to say—

Customs and Excise,  
Posts and Telegraphs,  
Military and Naval Defence,  
Ocean Beacons and Buoys, and Ocean Lighthouses and Lightships,  
Quarantine.

Powers under existing Law to be exercised by Governor-General with advice of Executive Council.

11. All powers and functions which are at the date of the establishment of the Commonwealth vested in the Governor of a Colony with or without the advice of his Executive Council, or in any officer or authority in a Colony, shall, so far as the same continue in existence and need to be exercised in relation to the government of the Commonwealth, with respect to any matters which, under this Constitution, pass to the Executive Government of the Commonwealth, vest in the Governor-General, with the advice of the Federal Executive Council, or in the officer or authority exercising similar powers or functions in, or under, the Executive Government of the Commonwealth.

### CHAPTER III.

#### THE FEDERAL JUDICATURE.

Supreme Court of Australia and Inferior Courts.

1. The Parliament of the Commonwealth shall have power to establish a Court, which shall be called the Supreme Court of Australia, and shall consist of a Chief Justice, and so many other Justices, not less than four, as the Parliament from time to time prescribes. The Parliament may also from time to time, subject to the provisions of this Constitution, establish other Courts.

Tenure of office.

2. The Judges of the Supreme Court of Australia and of the other Courts of the Commonwealth shall hold their offices during good behaviour, and shall receive such salaries as may from time to time be fixed by the Parliament; but the salary paid to any Judge shall not be diminished during his continuance in office.

Appointment and removal of Judges.

3. The Judges of the Supreme Court and of the other Courts of the Commonwealth shall be appointed, and may be removed from office, by the Governor-General by and with the advice of the Federal Executive Council; but it shall not be lawful for the Governor-General to remove any Judge except upon an Address from both Houses of the Parliament praying for such removal.

Appellate Jurisdiction.

4. The Supreme Court of Australia shall have jurisdiction, with such exceptions and subject to such regulations as the Parliament from time to time prescribes, to hear and determine appeals from all judgments, decrees, orders, and sentences, of any other Federal Court, or of the highest Court of final resort now established, or which may hereafter be established, in any State, whether such Court is a Court of Appeal or of original jurisdiction, and the judgment of the Supreme Court of Australia in all such cases shall be final and conclusive.

Until the Parliament makes other provisions, the conditions of and restrictions on appeals to the Queen in Council from the highest Courts of final resort of the several States shall be applicable to appeals from such Courts to the Supreme Court of Australia.



5. The Parliament of the Commonwealth may provide by law that any appeals which by any law have heretofore been allowed from any judgment, decree, order, or sentence, of the highest Court of final resort of any State to the Queen in Council, shall be brought to, and heard and determined by, the Supreme Court of Australia, and the judgment of that Court in all such cases shall be final and conclusive.

Appeals may be made final in all cases.

6. Notwithstanding the provisions of the two last preceding sections, or of any law made by the Parliament of the Commonwealth in pursuance thereof, the Queen may in any case in which the public interests of the Commonwealth, or of any State, or of any other part of the Queen's Dominions, are concerned, grant leave to appeal to Herself in Council against any judgment of the Supreme Court of Australia.

Power of the Queen to allow appeal to Herself in certain cases.

7. The Parliament of the Commonwealth may, from time to time, define the jurisdiction of the Courts of the Commonwealth, other than the Supreme Court of Australia, which jurisdiction may be exclusive, or may be concurrent with that of the Courts of the States. But jurisdiction shall not be conferred on a Court except in respect of the following matters, or some of them, that is to say:—

Extent of power of Federal Courts.

- (1) Cases arising under this Constitution ;
- (2) Cases arising under any Laws made by the Parliament of the Commonwealth, or under any treaty made by the Commonwealth with another country ;
- (3) Cases of Admiralty and Maritime jurisdiction ;
- (4) Cases affecting the Public Ministers, Consuls, or other Representatives of other countries ;
- (5) Cases in which the Commonwealth, or a person suing or being sued on behalf of the Commonwealth, is a party ;
- (6) Cases in which a Writ of Mandamus or Prohibition is sought against an Officer of the Commonwealth ;
- (7) Controversies between States ;
- (8) Controversies relating to the same subject matter claimed under the laws of different States.

8. In all cases affecting Public Ministers, Consuls, or other Representatives of other Countries, and in all cases in which the Commonwealth, or any person suing or being sued on behalf of the Commonwealth, is a party, or in which a Writ of Mandamus or Prohibition is sought against an Officer of the Commonwealth, and in all cases of controversies between States, the Supreme Court of Australia shall have original, as well as appellate, jurisdiction.

Original jurisdiction.

The Parliament may confer original jurisdiction on the Supreme Court of Australia in such other of the cases enumerated in the last preceding section as it thinks fit.

Additional original jurisdiction may be conferred.

9. Nothing in this Constitution shall be construed to authorize any suit in law or equity against the Commonwealth, or any person sued on behalf of the Commonwealth, or against a State, or any person sued on behalf of a State, by any individual person or corporation, except by the consent of the Commonwealth, or of the State, as the case may be.

Actions against the Commonwealth or against a State.



Number of Judges.

10. The jurisdiction of the Supreme Court, or of any other Court of the Commonwealth, may be exercised by such number of Judges as the Parliament prescribes.

Trial by jury.

11. The trial of all indictable offences cognisable by any Court established under the authority of this Act shall be by jury, and every such trial shall be held in the State where the offence has been committed, and when not committed within any State the trial shall be held at such place or places as the Parliament of the Commonwealth prescribes.

## CHAPTER IV.

### FINANCE AND TRADE.

Consolidated Revenue Fund.

1. All duties, revenues, and moneys, raised or received by the Executive Government of the Commonwealth, under the authority of this Constitution, shall form one Consolidated Revenue Fund to be appropriated for the Public Service of the Commonwealth in the manner and subject to the charges provided by this Constitution.

Expenses of collection.

2. The Consolidated Revenue Fund shall be permanently charged with the costs, charges, and expenses incident to the collection, management, and receipt thereof, which costs, charges, and expenses, shall form the first charge thereon.

Money to be appropriated by law.

3. No money shall be drawn from the Treasury of the Commonwealth except under appropriations made by law.

The Commonwealth to have exclusive power to levy duties of Customs and Excise and offer bounties after a certain time.

4. The Parliament of the Commonwealth shall have the sole power and authority, subject to the provisions of this Constitution, to impose Customs duties, and duties of Excise upon goods for the time being the subject of Customs duties, and to grant bounties upon the production or export of goods.

But this exclusive power shall not come into force until uniform duties of Customs have been imposed by the Parliament of the Commonwealth.

Upon the imposition of uniform duties of Customs by the Parliament of the Commonwealth all laws of the several States imposing duties of Customs or duties of Excise upon goods the subject of Customs duties, and all such laws offering bounties upon the production or export of goods, shall cease to have effect.

The control and collection of duties of Customs and Excise and the payment of bounties shall nevertheless pass to the Executive Government of the Commonwealth upon the establishment of the Commonwealth.

Transfer of officers.

5. Upon the establishment of the Commonwealth, all officers employed by the Government of any State in any Department of the Public Service the control of which is by this Constitution assigned to the Commonwealth, shall become subject to the control of the Executive Government of the Commonwealth. But all existing rights of any such officers shall be preserved.



6. All lands, buildings, works, and materials necessarily appertaining to, or used in connection with, any Department of the Public Service the control of which is by this Constitution assigned to the Commonwealth, shall, from and after the date of the establishment of the Commonwealth, be taken over by and belong to the Commonwealth, either absolutely, or, in the case of the Departments controlling Customs and Excise and Bounties, for such time as may be necessary.

Transfer of land and buildings.

And the fair value thereof shall be paid by the Commonwealth to the State from which they are so taken over. Such value shall be ascertained by mutual agreement, or, if no agreement can be made, in the manner in which land taken by the Government of the State for public purposes is ascertained under the laws of the State.

7. Until uniform duties of Customs have been imposed by the Parliament of the Commonwealth, the powers of the Parliaments of the several States existing at the date of the establishment of the Commonwealth, respecting the imposition of duties of Customs, and duties of excise upon goods the subject of Customs duties, and the offering of bounties upon the production or export of goods, and the collection and payment thereof respectively, shall continue as theretofore.

Collection of existing duties of Customs and Excise.

And until such uniform duties have been imposed, the Laws of the several States in force at the date of the establishment of the Commonwealth respecting duties of Customs, and duties of excise on goods the subject of Customs duties, and bounties, and the collection and payment thereof, shall remain in force, subject nevertheless to such alterations of the amount of duties or bounties as the Parliaments of the several States may make from time to time; and such duties and bounties shall continue to be collected and paid as theretofore, but by and to the Officers of the Commonwealth.

8. So soon as the Parliament of the Commonwealth has imposed uniform duties of Customs, trade and intercourse throughout the Commonwealth, whether by means of internal carriage or ocean navigation, shall be absolutely free.

On establishment of uniform duties of Customs and Excise, trade within the Commonwealth to be free.

9. The Revenue of the Commonwealth shall be applied, in the first instance, in the payment of the expenditure of the Commonwealth, which shall be charged to the several States in proportion to the numbers of their people, and the surplus shall, until uniform duties of Customs have been imposed, be returned to the several States or parts of the Commonwealth in proportion to the amount of Revenue raised therein respectively, subject to the following provisions:—

Apportionment of surplus revenue.

- (1) As to duties of Customs or Excise, provision shall be made for ascertaining, as nearly as may be, the amount of duties collected in each State or part of the Commonwealth in respect of dutiable goods which are afterwards exported to another State or part of the Commonwealth, and the amount of the duties so ascertained shall be taken to have been collected in the State or part to which the goods have been so exported, and shall be added to the duties actually collected in that State or part, and deducted from the duties collected in the State or part of the Commonwealth from which the goods were exported:
- (2) As to the proceeds of direct taxes, the amount contributed or raised in respect of income earned in any State or part of the Commonwealth, or arising from property situated in any State or part of the Commonwealth, and the amount contributed or raised in respect of property situated in any State or part of the Commonwealth, shall be taken to have been raised in that State or part:



- (3) The amount of any bounties paid to any of the people of a State or part of the Commonwealth shall be deducted from the amount of the surplus to be returned to that State or part.

After uniform duties of Customs have been imposed, the surplus shall be returned to the several States or parts of the Commonwealth in the same manner and proportions until the Parliament otherwise prescribes.

Such return shall be made monthly, or at such shorter intervals as may be convenient.

**Audit of Accounts.**

10. Until the Parliament of the Commonwealth otherwise provides, the Laws in force in the several Colonies at the date of the establishment of the Commonwealth with respect to the receipt of revenue and the expenditure of money on account of the Government of the Colony, and the review and audit of such receipt and expenditure, shall apply to the receipt of revenue and the expenditure of money on account of the Commonwealth in the respective States in the same manner as if the Commonwealth, or the Government or an Officer of the Commonwealth, were mentioned therein whenever a Colony, or the Government or an Officer of a Colony, is mentioned or referred to.

*Equality of Trade.*

**No preference to one State over another.**

11. Preference shall not be given by any law or regulation of commerce or revenue to the ports of one part of the Commonwealth over those of another part of the Commonwealth.

**The Parliament may give effect to this prohibition.**

12. The Parliament of the Commonwealth may make laws prohibiting or annulling any law or regulation made by any State, or by any authority constituted by any State, having the effect of derogating from freedom of trade or commerce between the different parts of the Commonwealth.

*Consolidation of Public Debts of States.*

**Public debts of States may be consolidated by general consent.**

13. The Parliament of the Commonwealth may, with the consent of the Parliaments of all the States, make laws for taking over and consolidating the whole or any part of the public debt of any State or States, but so that a State shall be liable to indemnify the Commonwealth in respect of the amount of a debt taken over, and that the amount of interest payable in respect of a debt shall be deducted and retained from time to time from the share of the Surplus Revenue of the Commonwealth which would otherwise be payable to the State.

**CHAPTER V.**

**THE STATES.**

**Continuance of powers of Parliaments of the States.**

1. All powers which at the date of the establishment of the Commonwealth are vested in the Parliaments of the several Colonies, and which are not by this Constitution exclusively vested in the Parliament of the Commonwealth, or withdrawn from the Parliaments of the several States, are reserved to, and shall remain vested in, the Parliaments of the States respectively.



2. All Laws in force in any of the Colonies relating to any of the matters declared by this Constitution to be within the Legislative powers of the Parliament of the Commonwealth shall, except as otherwise provided by this Constitution, continue in force in the States respectively, and may be repealed or altered by the Parliaments of the States, until other provision is made in that behalf by the Parliament of the Commonwealth.

Validity of existing laws.

3. When a Law of a State is inconsistent with a Law of the Commonwealth, the latter shall prevail, and the former shall, to the extent of the inconsistency, be invalid.

Inconsistency of Laws.

4. All powers and functions which are at the date of the establishment of the Commonwealth vested in the Governors of the Colonies respectively, shall, so far as the same are capable of being exercised after the establishment of the Commonwealth in relation to the government of the States, continue to be vested in the Governors of the States respectively.

Powers to be exercised by Governors of States.

5. All references or communications required by the Constitution of any State or otherwise to be made by the Governor of the State to the Queen shall be made through the Governor-General, as Her Majesty's Representative in the Commonwealth, and the Queen's pleasure shall be made known through him.

All references to the Queen to be through the Governor-General.

6. Subject to the provisions of this Constitution, the Constitutions of the several States of the Commonwealth shall continue as at the date of the establishment of the Commonwealth, until altered by or under the authority of the Parliaments thereof in accordance with the provisions of their respective Constitutions.

Saving of Constitutions.

7. In each State of the Commonwealth there shall be a Governor.

Governors of States.

8. The Parliament of a State may make such provisions as it thinks fit as to the manner of appointment of the Governor of the State, and for the tenure of his office, and for his removal from office.

Appointment of Governors.

9. The provisions of this Constitution relating to the Governor of a State extend and apply to the Governor for the time being of the State, or other the Chief Executive Officer or Administrator of the government of the State, by whatever title he is designated.

Application of provisions referring to Governor.

10. A member of the Senate or House of Representatives shall not be capable of being chosen or of sitting as a member of any House of the Parliament of a State.

Members of Senate or House of Representatives not to sit in State Parliament.

11. If a member of a House of the Parliament of a State is, with his own consent, chosen as a member of either House of the Parliament of the Commonwealth, his place in the first mentioned House of Parliament shall become vacant.

Member of State Parliament not to be Member of the Parliament of the Commonwealth.



A State may cede any of its Territory.

12. The Parliament of a State may at any time surrender any part of the State to the Commonwealth, and upon such surrender and the acceptance thereof by the Commonwealth such part of the State shall become and be subject to the exclusive jurisdiction of the Parliament of the Commonwealth.

States not to levy import or export duties, except for certain purposes.

13. A State shall not impose any taxes or duties on imports or exports, except such as are necessary for executing the inspection laws of the State; and the net produce of all taxes and duties imposed by a State on imports or exports shall be for the use of the Commonwealth; and any such inspection laws may be annulled by the Parliament of the Commonwealth.

Nor levy duty of tonnage, nor tax the land of the Commonwealth, nor maintain forces.  
State land exempted from taxation.

14. A State shall not, without the consent of the Parliament of the Commonwealth, impose any duty of tonnage, or raise or maintain any military or naval force, or impose any tax on any land or other property belonging to the Commonwealth; nor shall the Commonwealth impose any tax on any land or property belonging to a State.

State not to coin money.

15. A State shall not coin money, or make anything but gold and silver coin a legal tender in payment of debts.

Nor prohibit any religion.

16. A State shall not make any law prohibiting the free exercise of any religion.

Protection of citizens of the Commonwealth.

17. A State shall not make or enforce any law abridging any privilege or immunity of citizens of other States of the Commonwealth, nor shall a State deny to any person, within its jurisdiction, the equal protection of the laws.

Recognition of Acts of State of various States.

18. Full faith and credit shall be given, throughout the Commonwealth, to the Laws, the Public Acts and Records, and the Judicial Proceedings, of the States.

Protection of States from invasion.

19. The Commonwealth shall protect every State against invasion and, on the application of the Executive Government of a State, against domestic violence.

Custody of offenders against laws of the Commonwealth.

20. Every State shall make provision for the detention and punishment in its prisons of persons accused or convicted of offences against the laws of the Commonwealth, and the Parliament of the Commonwealth may make laws to give effect to this provision.

## CHAPTER VI.

### NEW STATES.

Admission of existing Colonies to the Commonwealth.

1. Any of the existing Colonies of [*name the existing Colonies which have not adopted the Constitution*] may upon adopting this Constitution be admitted to the Commonwealth, and shall thereupon become and be a State of the Commonwealth.

New States may be admitted to the Commonwealth.

2. The Parliament of the Commonwealth may from time to time establish and admit to the Commonwealth new States, and may upon such establishment and admission make and impose such conditions, as to the extent of Representation in either House of the Parliament or otherwise, as it thinks fit.



3. The Parliament may make such laws as it thinks fit for the provisional administration and government of any territory surrendered by any State to and accepted by the Commonwealth, or any territory in the Pacific placed by the Queen under the authority of and accepted by the Commonwealth, or otherwise acquired by the Commonwealth, and may in any such case allow the representation of such territory in either House of the Parliament to such extent and on such terms as it thinks fit. Provisional government of Territories.

4. The Parliament of the Commonwealth may, from time to time, with the consent of the Parliament of a State, increase, diminish, or otherwise alter the limits of the State, upon such terms and conditions as may be agreed to, and may, with the like consent, make provision respecting the effect and operation of any such increase or diminution or alteration of territory in relation to any State affected by it. Alteration of limits of States.

5. A new State shall not be formed by separation of territory from a State without the consent of the Parliament thereof, nor shall a State be formed by the union of two or more States or parts of States, or the limits of a State be altered, without the consent of the Parliament or Parliaments of the State or States concerned. Saving of rights of States.

## CHAPTER VII.

### MISCELLANEOUS.

1. The seat of Government of the Commonwealth shall be determined by the Parliament. Seat of Government.

Until such determination is made the Parliament shall be summoned to meet at such place within the Commonwealth as a majority of the Governors of the States, or, in the event of an equal division of opinion amongst the Governors, as the Governor-General shall direct.

2. The Queen may authorise the Governor-General from time to time to appoint any person or any persons jointly or severally to be his Deputy or Deputies within any part or parts of the Commonwealth, and in that capacity to exercise during the pleasure of the Governor-General such of the powers and functions of the Governor-General as he deems it necessary or expedient to assign to such Deputy or Deputies, subject to any limitations or directions expressed or given by the Queen, but the appointment of such Deputy or Deputies shall not affect the exercise by the Governor-General himself of any power or function. Power to Her Majesty to authorise Governor-General to appoint Deputies.

3. In reckoning the numbers of the people of a State or other part of the Commonwealth aboriginal natives of Australia shall not be counted. Aborigines of Australia not to be counted in reckoning population.



**CHAPTER VIII.****AMENDMENT OF THE CONSTITUTION.**

Mode of amending  
the Constitution.

1. The provisions of this Constitution shall not be altered except in the following manner:—

Any law for the alteration thereof must be passed by an absolute majority of the Senate and House of Representatives, and shall thereupon be submitted to Conventions, to be elected by the electors of the several States qualified to vote for the election of Members of the House of Representatives.

The Conventions shall be summoned, elected, and held in such manner as the Parliament of the Commonwealth prescribes by law, and shall, when elected, proceed to vote upon the proposed amendment.

And if the proposed amendment is approved by the Conventions of a majority of the States, and if the people of the States whose Conventions approve of the amendment are also a majority of the people of the Commonwealth, the proposed amendment shall be presented to the Governor-General for the Queen's assent.

But an amendment by which the proportionate representation of any State in either House of the Parliament of the Commonwealth, or the minimum number of Representatives of a State in the House of Representatives, is diminished, shall not become law without the consent of the Convention of that State.

**THE SCHEDULE.**

I, A.B., do swear [*or do solemnly and sincerely affirm and declare*] that I will be faithful and bear true allegiance to Her Majesty Queen Victoria, her heirs, and successors, according to law.

(NOTE.—*The name of the King or Queen of the United Kingdom of Great Britain and Ireland for the time being is to be substituted from time to time.*)