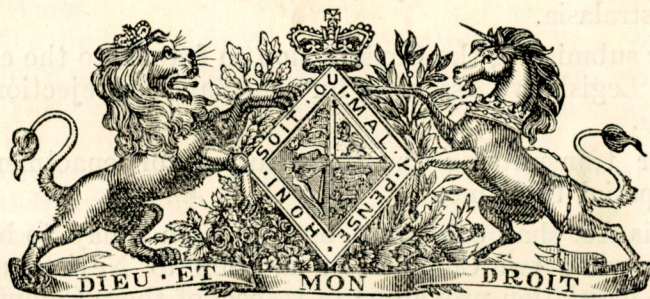


New South Wales.



ANNO QUINQUAGESIMO NONO

VICTORIÆ REGINÆ.

\*\*\*\*\*

No. XXIV.

An Act to enable New South Wales to take part in the framing, acceptance, and enactment of a Federal Constitution for Australasia. [Assented to, 23rd December, 1895.]

WHEREAS it is proposed that Legislative provision shall be made by the Colonies for the framing, acceptance, and enactment of a Federal Constitution for Australasia: And whereas it is desirable that New South Wales should be represented at the Convention, which it is proposed shall frame the said Constitution: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

- 1. This Act may be cited as the "Australasian Federation Enabling Act, 1895."
- 2. In this Act the following terms bear the meanings set opposite to them respectively:—

"Colonies"—The Colonies of New South Wales, New Zealand, Queensland, Tasmania, Victoria, and Western Australia, and the Province of South Australia, including the Northern Territory.

A

"Constitution"—

*Australasian Federation Enabling.*

“ Constitution ”—The Federal Constitution framed or accepted pursuant to this Act.

“ Convention ”—The Convention provided for by this Act.

“ Governor ”—The Governor, with the advice of the Executive Council.

“ Prescribed ”—Prescribed by Regulation made under this Act.

“ Proclamation ”—Proclamation by the Governor published in the *Gazette*.

“ Representatives of New South Wales ”—The Representatives of New South Wales in the Convention.

Chief objects.

3. The chief objects of this Act are to provide as follows :—

- (i) For the representation of New South Wales at a Convention consisting of the Representatives of each Colony represented, charged with the duty of framing a Federal Constitution for Australasia.
- (ii) For submitting the Constitution so framed to the electors for the Legislative Assembly for acceptance or rejection by direct vote.
- (iii) For transmitting the Constitution for enactment by the Imperial Parliament.

Commencement.

4. This Act shall come into operation on a day to be fixed by proclamation, when two Colonies, in addition to New South Wales, have adopted legislation providing, in respect of those Colonies, for the election of the representatives of those Colonies at the Convention.

Parts.

5. This Act is divided into four Parts, as follows :—

PART I.—*The Convention.*

PART II.—*The submission to the Electors.*

PART III.—*The transmission for Legislative Enactment.*

PART IV.—*Supplemental.*

## PART I.

### *The Convention.*

Constitution of Convention.

6. The Convention shall consist of ten Representatives of each Colony represented.

Convention to frame Constitution.

7. The Convention shall be charged with the duty of framing for Australasia a Federal Constitution under the Crown in the form of a Bill for enactment by the Imperial Parliament.

Members.

8. Every Member and every person eligible for membership of either House of Parliament shall be eligible for membership of the Convention as a Representative of New South Wales. And any one hundred or more electors duly qualified to vote for the election of a Member of the Legislative Assembly shall be entitled in the prescribed manner to nominate any eligible person, whose consent in writing shall accompany such nomination for such membership, and after such nomination has closed, the list of persons so nominated, with their residence and occupation, shall be advertised in the alphabetical order of their surnames at least three times in every newspaper published in the Colony.

*Australasian Federation Enabling.*

9. The seat of a Representative of New South Wales shall be vacated— Vacancies.

- (I) By resignation under his hand addressed to the Governor.
- (II) By absence, without the leave of the Convention, from any five sittings thereof.
- (III) By any other circumstance, except absence from the Assembly, which in the case of a Member of the Legislative Assembly would vacate his seat in the Assembly.

10. The first vacancy occurring pursuant to the preceding section shall forthwith be filled by the appointment by the Governor of the candidate who, not being, nor having been, a Member of the Convention was highest on the Poll. Every subsequent appointment to be made in like manner. Fresh election.

11. Every person being the holder of an Elector's Right shall be qualified and entitled to vote for the election of Representatives of New South Wales. Electors.

12. The first election of Representatives of New South Wales shall take place on a day to be fixed by Proclamation, which day, as nearly as may be conveniently practicable, shall be the same as the day of first election of Representatives of other Colonies. First election.

13. The voting shall be taken throughout New South Wales as one Electoral District, and every voter shall vote for the full number of Representatives required, otherwise the vote shall be rejected as informal. Electoral District.

14. No person shall vote more than once at the same election of Representatives of New South Wales. One vote only.

15. If any question arises respecting the validity of an election or return the same shall be heard and determined by a Committee appointed by the Convention as prescribed. And Part V of the Parliamentary Electorates and Elections Act of 1893 shall, *mutatis mutandis*, apply in respect of the powers, duties, and proceedings of the said Committee acting under the authority of this section. Disputed election.

16. The result of every election for Representatives of New South Wales shall be reported to and certified by the Chief Secretary in manner prescribed, whose certificate shall be conclusive, except in proceedings for contesting the validity of the election. Certificate of results.

17. When the first elections have been held in three or more Colonies, a meeting of the Convention shall be convened for such time and place as a majority of the Governors of such Colonies may decide, or, in case of an equal division, as the Governor of the senior of such Colonies may fix. Meeting of Convention.

18. The Convention may adopt Standing Orders, and may provide for keeping and publishing records and journals of its proceedings, and for the conduct of its business, in such manner as may be thought fit; and in cases not otherwise provided for, the proceedings of the Convention shall be regulated by the Standing Orders and practice of the House of Commons so far as applicable. Procedure.

19. The Convention shall at its first meeting, before proceeding to the despatch of any other business, elect a Member of the Convention to be the President thereof. President.

20. The President may resign his office, or he may be removed from office by a vote of the Convention; and upon his ceasing to be a member of the Convention his office shall become vacant. Resignation or removal of President.

21. In the case of the absence of the President the Convention may choose some other Member of the Convention to perform his duties during his absence. Absence of President.

22. Whenever a vacancy occurs in the office of President, such vacancy shall forthwith be filled by a fresh election. Supply of vacancy

*Australasian Federation Enabling.*

- Quorum.** 23. The presence, exclusive of the President, of at least one-half of the total number of the Members of the Convention shall be necessary to constitute a meeting of the Convention for the exercise of its powers.
- Committees.** 24. The Convention may appoint Committees of its Members which shall report to the Convention.
- Voting.** 25. Questions arising in the Convention shall be decided by a majority of the votes of the Members present, other than the President; and when on any division the votes are equal, but not otherwise, the President shall have a vote, and his vote shall decide the question.
- Adjournment of Convention.** 26. When the Constitution has been framed by the Convention, copies thereof shall be supplied to the Members of the Convention, and the President shall declare the sitting of the Convention adjourned to a time and place to be fixed by the Convention, not being less than sixty nor more than one hundred and twenty days thereafter. And as soon as convenient the draft Constitution shall be submitted for consideration to each House of Parliament sitting in Committee of the Whole, and such amendments as may be desired by the Legislature, together with the draft Constitution, shall be remitted to the Convention through the Senior Representative.
- Reassembling of Convention.** 27. On the reassembling of the Convention, the Constitution as framed prior to the adjournment shall be reconsidered, together with such suggested amendments as shall have been forwarded by the various Legislatures, and the Constitution so framed shall be finally adopted with any amendments that may be agreed to.
- Final adoption.** 28. So soon as the Convention has finally adopted a Federal Constitution as required by the preceding section, and has disposed of all incidental business, copies certified by the President shall be supplied in duplicate to the Members of the Convention, and the President shall declare the proceedings of the Convention closed.
- Expiration of term of office.** 29. The Representatives of New South Wales shall cease to hold office at the expiration of a period to be proclaimed by the Governor in the *Gazette*.
- Payment of expenses of Convention.** 30. New South Wales shall contribute to the payment of the expenses of the meeting and proceedings of the Convention in the proportion which the population of New South Wales bears to the total population of the Colonies represented at the Convention, and the Colonial Treasurer shall make such payment accordingly out of the Consolidated Revenue Fund.

*Australasian Federation Enabling.*

## PART II.

*The Submission to the Electors.*

31. Within fourteen days after the close of the proceedings of the Convention, the certified copies of the Constitution shall be forwarded by the President of the Convention and by the Representatives of New South Wales or one of them to the Governor. Constitution to be certified to Governor.

32. So soon as practicable after the close of the proceedings of the Convention, the question of the acceptance or rejection of the Constitution shall be referred and submitted to the vote of all persons in New South Wales qualified and entitled to vote for the election of Members of the Legislative Assembly. Submission to electors.

The voting shall be taken throughout New South Wales as one Electoral District.

33. Each voter shall vote by ballot "Yes" or "No" on the question, in accordance with the direction on the Ballot-paper in the Schedule hereto, and all votes shall be taken on the same day. Voting.

34. No person shall vote more than once on the question. One vote only.

35. The majority of votes shall decide the question, and if the Constitution be thereby rejected, no further action shall be taken pursuant to this Act: Provided that any number of votes in the affirmative less than fifty thousand shall be equivalent to the rejection of the Bill. Decision of question.

## PART III.

*The Transmission for Legislative Enactment.*

36. If two Colonies, in addition to New South Wales, accept the Constitution, both Houses of Parliament may adopt Addresses to the Queen, praying that the Constitution may be passed into law by the Imperial Parliament upon receipt of similar addresses from the Parliaments of two such Colonies. Addresses to the Queen.

37. When Addresses have been agreed to pursuant to the preceding section, the same shall be transmitted to the Queen with a certified copy of the Constitution. Transmission.

## PART IV.

*Supplemental.*

38. If any person votes or attempts to vote more than once contrary to sections fourteen or thirty-five he shall be liable to a penalty not exceeding fifty pounds, or, at the option of the Court, to imprisonment not exceeding six calendar months. Penalties.

39. For the purpose of holding elections of Representatives of New South Wales, and of submitting the acceptance or rejection of the Constitution to the electors, the Governor may cause writs to be issued in such form and addressed as he thinks fit. Writs.

*Australasian Federation Enabling.*Application of  
general law.

40. Unless and until otherwise prescribed, the laws relating to the conduct of elections for the Legislative Assembly, the proceedings before and at and subsequent to such elections, the trial of disputed elections, electoral offences, and all incidental matters, shall apply, *mutatis mutandis*, to the election of Representatives of New South Wales, and to the proceedings for submitting the acceptance or rejection of the Constitution to the electors.

Regulations.

41. The Governor may make regulations prescribing the mode of nominating candidates, of holding elections of Representatives of New South Wales, and submitting the acceptance or rejection of the Constitution to the electors, and generally for the purposes of carrying into effect such provisions of this Act as relate to New South Wales.

Publication of  
regulations.

42. All such regulations shall be published in the *Gazette*, and on such publication shall have the force of law; and all such regulations shall be laid before both Houses of Parliament within fourteen days after the making thereof, if Parliament be then sitting, or if Parliament be not then sitting, within fourteen days after the next meeting of Parliament.

Enforcement of  
regulations.

43. Any such regulation may provide for the enforcement thereof by a penalty not exceeding fifty pounds, or, at the option of the Court, by imprisonment not exceeding six calendar months.

Recovery of  
penalties.

44. Penalties imposed by, and offences against, the provisions of this Act, or any regulations made thereunder, may be recovered, heard, and determined by a Police or Stipendiary Magistrate, or any two Justices of the Peace in Petty Sessions.

## THE SCHEDULE.

## AUSTRALASIAN FEDERAL CONSTITUTION.

*Ballot Paper.*

Are you in favour of the proposed Federal Constitution Bill?

"YES."

"NO."

If you are in favour of the Bill strike out the above word "No."

If you are against the Bill strike out the above word "Yes."

By Authority : CHARLES POTTER, Government Printer, Sydney, 1896.

[6d.]

AUSTRALASIAN FEDERATION ENABLING.

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*SCHEDULE showing the Legislative Assembly's Disagreement from the Legislative Council's Amendment, referred to in Message of 12th December, 1895.*

F. W. WEBB,  
Clerk of the Legislative Assembly.

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Page 4, clause 30. *Reinsert* clause 30.

“ 30. Each Representative of New South Wales shall be entitled  
“ during his term of office to payment for his services at the rate of three Payment of  
“ pounds for each sitting of the Convention, to be paid by the Colonial Representa-  
“ Treasurer out of the Consolidated Revenue Fund.” tives.





AUSTRALASIAN FEDERATION ENABLING BILL.

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*SCHEDULE of Amendments referred to in Message of 12th December, 1895.*

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- Page 3, clause 15, lines 28 to 30. *Omit* "by the Elections and Qualifications Committee  
of the Legislative Assembly if Parliament is sitting, and if not sitting"  
Page 3, clause 15, line 33. *Omit* "Committees respectively" *insert* "**Committee**"  
Page 4, clause 30. *Omit* clause 30.
-



*This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.*

*Legislative Assembly Chamber,  
Sydney, 13 November, 1895, A.M. }*

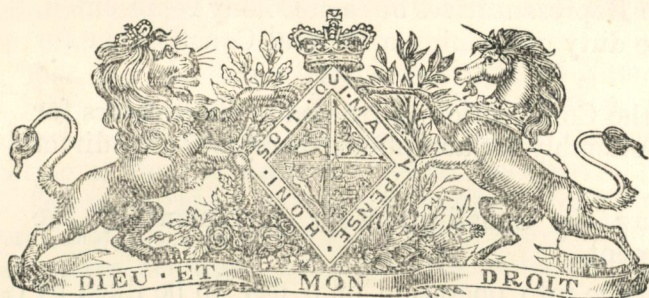
*F. W. WEBB,  
Clerk of the Legislative Assembly.*

*The LEGISLATIVE COUNCIL has this day agreed to this Bill with Amendments.*

*Legislative Council Chamber,  
Sydney, 12th December, 1895. }*

*JOHN J. CALVERT,  
Clerk of the Parliaments.*

## New South Wales.



ANNO QUINQUAGESIMO NONO

# VICTORIÆ REGINÆ.

\*\*\*\*\*

No. .

An Act to enable New South Wales to take part in the framing, acceptance, and enactment of a Federal Constitution for Australasia.

**W**HEREAS it is proposed that Legislative provision shall be made Preamble.  
by the Colonies for the framing, acceptance, and enactment of a Federal Constitution for Australasia: And whereas it is desirable that New South Wales should be represented at the Convention, which it is proposed shall frame the said Constitution: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

10 1. This Act may be cited as the "Australasian Federation Short title.  
Enabling Act, 1895."

2. In this Act the following terms bear the meanings set opposite Interpretation.  
to them respectively:—

15 "Colonies"—The Colonies of New South Wales, New Zealand, Queensland, Tasmania, Victoria, and Western Australia, and the Province of South Australia, including the Northern Territory.

212—A

"Constitution"—

NOTE.—The words to be omitted are ruled through; that to be inserted is printed in black letter.

*Australasian Federation Enabling.*

- “ Constitution ”—The Federal Constitution framed or accepted pursuant to this Act.
- “ Convention ”—The Convention provided for by this Act.
- 5 “ Governor ”—The Governor, with the advice of the Executive Council.
- “ Prescribed ”—Prescribed by Regulation made under this Act.
- “ Proclamation ”—Proclamation by the Governor published in the *Gazette*.
- 10 “ Representatives of New South Wales ”—The Representatives of New South Wales in the Convention.
3. The chief objects of this Act are to provide as follows :— Chief objects.
- (I) For the representation of New South Wales at a Convention consisting of the Representatives of each Colony represented, charged with the duty of framing a Federal Constitution for Australasia.
- 15 (II) For submitting the Constitution so framed to the electors for the Legislative Assembly for acceptance or rejection by direct vote.
- (III) For transmitting the Constitution for enactment by the Imperial Parliament.
- 20 4. This Act shall come into operation on a day to be fixed by proclamation, when two Colonies, in addition to New South Wales, have adopted legislation providing, in respect of those Colonies, for the election of the representatives of those Colonies at the Convention. Commencement.
- 25 5. This Act is divided into four Parts, as follows :— Parts.
- PART I.—*The Convention.*
- PART II.—*The submission to the Electors.*
- PART III.—*The transmission for Legislative Enactment.*
- PART IV.—*Supplemental.*

30

## PART I.

*The Convention.*

6. The Convention shall consist of ten Representatives of each Colony represented. Constitution of Convention.
7. The Convention shall be charged with the duty of framing for Australasia a Federal Constitution under the Crown in the form of a Bill for enactment by the Imperial Parliament. Convention to frame Constitution.
8. Every Member and every person eligible for membership of either House of Parliament shall be eligible for membership of the Convention as a Representative of New South Wales. And any one hundred or more electors duly qualified to vote for the election of a Member of the Legislative Assembly shall be entitled in the prescribed manner to nominate any eligible person, whose consent in writing shall accompany such nomination for such membership, and after such nomination has closed, the list of persons so nominated, with their residence and occupation, shall be advertised in the alphabetical order of their surnames at least three times in every newspaper published in the Colony. Members.

*Australasian Federation Enabling.*

9. The seat of a Representative of New South Wales shall be <sup>Vacancies.</sup>  
vacated—
- (I) By resignation under his hand addressed to the Governor.
- 5 (II) By absence, without the leave of the Convention, from any  
five sittings thereof.
- (III) By any other circumstance, except absence from the  
Assembly, which in the case of a Member of the Legislative  
Assembly would vacate his seat in the Assembly.
- 10 10. The first vacancy occurring pursuant to the preceding section <sup>Fresh election.</sup>  
shall forthwith be filled by the appointment by the Governor of the  
candidate who, not being, nor having been, a Member of the Con-  
vention was highest on the Poll. Every subsequent appointment to be  
made in like manner.
- 15 11. Every person being the holder of an Elector's Right shall <sup>Electors.</sup>  
be qualified and entitled to vote for the election of Representatives of  
New South Wales.
- 20 12. The first election of Representatives of New South Wales <sup>First election.</sup>  
shall take place on a day to be fixed by Proclamation, which day, as  
nearly as may be conveniently practicable, shall be the same as the day  
of first election of Representatives of other Colonies.
13. The voting shall be taken throughout New South Wales as <sup>Electoral District.</sup>  
one Electoral District, and every voter shall vote for the full number  
of Representatives required, otherwise the vote shall be rejected as  
informal.
- 25 14. No person shall vote more than once at the same election <sup>One vote only.</sup>  
of Representatives of New South Wales.
- 30 15. If any question arises respecting the validity of an election <sup>Disputed election.</sup>  
or return the same shall be heard and determined by the ~~Elections and  
Qualifications Committee of the Legislative Assembly if Parliament is  
sitting, and if not sitting~~ by a Committee appointed by the Con-  
vention as prescribed. And Part V of the Parliamentary Electorates  
and Elections Act of 1893 shall, *mutatis mutandis*, apply in respect of  
the powers, duties, and proceedings of the said ~~Committees~~ respectively  
**Committee** acting under the authority of this section.
- 35 16. The result of every election for Representatives of New <sup>Certificate of  
results.</sup>  
South Wales shall be reported to and certified by the Chief Secretary  
in manner prescribed, whose certificate shall be conclusive, except in  
proceedings for contesting the validity of the election.
- 40 17. When the first elections have been held in three or more <sup>Meeting of Con-  
vention.</sup>  
Colonies, a meeting of the Convention shall be convened for such time  
and place as a majority of the Governors of such Colonies may decide,  
or, in case of an equal division, as the Governor of the senior of such  
Colonies may fix.
- 45 18. The Convention may adopt Standing Orders, and may pro- <sup>Procedure.</sup>  
vide for keeping and publishing records and journals of its proceedings,  
and for the conduct of its business, in such manner as may be thought  
fit; and in cases not otherwise provided for, the proceedings of the  
Convention shall be regulated by the Standing Orders and practice of  
the House of Commons so far as applicable.
- 50 19. The Convention shall at its first meeting, before proceeding <sup>President.</sup>  
to the despatch of any other business, elect a Member of the Con-  
vention to be the President thereof.
- 55 20. The President may resign his office, or he may be removed <sup>Resignation or  
removal of President.</sup>  
from office by a vote of the Convention; and upon his ceasing to be a  
member of the Convention his office shall become vacant.
21. In the case of the absence of the President the Convention <sup>Absence of President.</sup>  
may choose some other Member of the Convention to perform his  
duties during his absence.
- 60 22. Whenever a vacancy occurs in the office of President, such <sup>Supply of vacancy.</sup>  
vacancy shall forthwith be filled by a fresh election.

*Australasian Federation Enabling.*

23. The presence, exclusive of the President, of at least one-half Quorum. of the total number of the Members of the Convention shall be necessary to constitute a meeting of the Convention for the exercise of its powers.
- 5 24. The Convention may appoint Committees of its Members Committees. which shall report to the Convention.
25. Questions arising in the Convention shall be decided by a Voting. majority of the votes of the Members present, other than the President; and when on any division the votes are equal, but not otherwise, the President shall have a vote, and his vote shall decide the question.
- 10 26. When the Constitution has been framed by the Convention, Adjournment of Convention. copies thereof shall be supplied to the Members of the Convention, and the President shall declare the sitting of the Convention adjourned 15 to a time and place to be fixed by the Convention, not being less than sixty nor more than one hundred and twenty days thereafter. And as soon as convenient the draft Constitution shall be submitted for consideration to each House of Parliament sitting in Committee of the Whole, and such amendments as may be desired by the Legis- 20 lature, together with the draft Constitution, shall be remitted to the Convention through the Senior Representative.
27. On the reassembling of the Convention, the Constitution Reassembling of Convention. as framed prior to the adjournment shall be reconsidered, together with such suggested amendments as shall have been forwarded by the 25 various Legislatures, and the Constitution so framed shall be finally adopted with any amendments that may be agreed to.
28. So soon as the Convention has finally adopted a Federal Final adoption. Constitution as required by the preceding section, and has disposed of all incidental business, copies certified by the President shall be 30 supplied in duplicate to the Members of the Convention, and the President shall declare the proceedings of the Convention closed.
29. The Representatives of New South Wales shall cease to hold Expiration of term of office. office at the expiration of a period to be proclaimed by the Governor in the *Gazette*.
- 35 30. Each Representative of New South Wales shall be entitled Payment of Representatives. during his term of office to payment for his services at the rate of three pounds for each sitting of the Convention, to be paid by the Colonial Treasurer out of the Consolidated Revenue Fund.
- 40 31. 30. New South Wales shall contribute to the payment of the Payment of expenses of Convention. expenses of the meeting and proceedings of the Convention in the proportion which the population of New South Wales bears to the total population of the Colonies represented at the Convention, and the Colonial Treasurer shall make such payment accordingly out of the Consolidated Revenue Fund.

*Australasian Federation Enabling.*

## PART II.

*The Submission to the Electors.*

32. 31. Within fourteen days after the close of the proceedings of the Convention, the certified copies of the Constitution shall be forwarded by the President of the Convention and by the Representatives of New South Wales or one of them to the Governor.

33. 32. So soon as practicable after the close of the proceedings of the Convention, the question of the acceptance or rejection of the Constitution shall be referred and submitted to the vote of all persons in New South Wales qualified and entitled to vote for the election of Members of the Legislative Assembly.

The voting shall be taken throughout New South Wales as one Electoral District.

34. 33. Each voter shall vote by ballot "Yes" or "No" on the question, in accordance with the direction on the Ballot-paper in the Schedule hereto, and all votes shall be taken on the same day.

35. 34. No person shall vote more than once on the question.

36. 35. The majority of votes shall decide the question, and if the Constitution be thereby rejected, no further action shall be taken pursuant to this Act: Provided that any number of votes in the affirmative less than fifty thousand shall be equivalent to the rejection of the Bill.

## PART III.

*The Transmission for Legislative Enactment.*

37. 36. If two Colonies, in addition to New South Wales, accept the Constitution, both Houses of Parliament may adopt Addresses to the Queen, praying that the Constitution may be passed into law by the Imperial Parliament upon receipt of similar addresses from the Parliaments of two such Colonies.

38. 37. When Addresses have been agreed to pursuant to the preceding section, the same shall be transmitted to the Queen with a certified copy of the Constitution.

## PART IV.

*Supplemental.*

39. 38. If any person votes or attempts to vote more than once contrary to sections fourteen or thirty-five he shall be liable to a penalty not exceeding fifty pounds, or, at the option of the Court, to imprisonment not exceeding six calendar months.

40. 39. For the purpose of holding elections of Representatives of New South Wales, and of submitting the acceptance or rejection of the Constitution to the electors, the Governor may cause writs to be issued in such form and addressed as he thinks fit.

*Australasian Federation Enabling.*

41. 40. Unless and until otherwise prescribed, the laws relating to <sup>Application of</sup> the conduct of elections for the Legislative Assembly, the proceedings <sup>general law.</sup> before and at and subsequent to such elections, the trial of disputed elections, electoral offences, and all incidental matters, shall apply, <sup>5</sup> *mutatis mutandis*, to the election of Representatives of New South Wales, and to the proceedings for submitting the acceptance or rejection of the Constitution to the electors.

42. 41. The Governor may make regulations prescribing the mode <sup>Regulations.</sup> of nominating candidates, of holding elections of Representatives of <sup>10</sup> New South Wales, and submitting the acceptance or rejection of the Constitution to the electors, and generally for the purposes of carrying into effect such provisions of this Act as relate to New South Wales.

43. 42. All such regulations shall be published in the *Gazette*, and <sup>Publication of</sup> on such publication shall have the force of law; and all such <sup>regulations.</sup> <sup>15</sup> regulations shall be laid before both Houses of Parliament within fourteen days after the making thereof, if Parliament be then sitting, or if Parliament be not then sitting, within fourteen days after the next meeting of Parliament.

44. 43. Any such regulation may provide for the enforcement <sup>Enforcement of</sup> thereof by a penalty not exceeding fifty pounds, or, at the option of the <sup>regulations.</sup> Court, by imprisonment not exceeding six calendar months. <sup>20</sup>

45. 44. Penalties imposed by, and offences against, the provisions <sup>Recovery of</sup> of this Act, or any regulations made thereunder, may be recovered, <sup>penalties.</sup> heard, and determined by a Police or Stipendiary Magistrate, or any <sup>25</sup> two Justices of the Peace in Petty Sessions.

## THE SCHEDULE.

## AUSTRALASIAN FEDERAL CONSTITUTION.

*Ballot Paper.*

Are you in favour of the proposed Federal Constitution Bill?

30

"YES."

"NO."

If you are in favour of the Bill strike out the above word "No."  
If you are against the Bill strike out the above word "Yes."

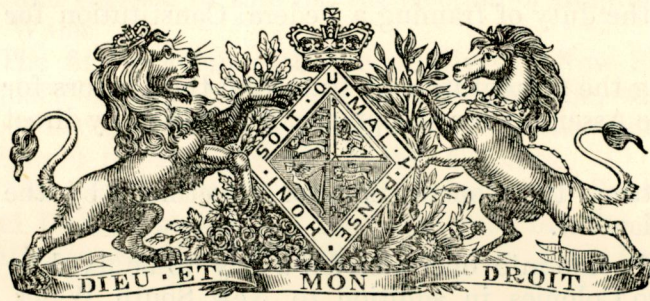


*This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.*

*Legislative Assembly Chamber,  
Sydney, 13 November, 1895, A.M. }*

F. W. WEBB,  
*Clerk of the Legislative Assembly.*

## New South Wales.



ANNO QUINQUAGESIMO NONO

## VICTORIÆ REGINÆ.

\*\*\*\*\*

No. .

An Act to enable New South Wales to take part in the framing, acceptance, and enactment of a Federal Constitution for Australasia.

**W**HEREAS it is proposed that Legislative provision shall be made Preamble.  
by the Colonies for the framing, acceptance, and enactment  
of a Federal Constitution for Australasia: And whereas it is desirable  
that New South Wales should be represented at the Convention, which  
5 it is proposed shall frame the said Constitution: Be it therefore  
enacted by the Queen's Most Excellent Majesty, by and with the  
advice and consent of the Legislative Council and Legislative Assembly  
of New South Wales in Parliament assembled, and by the authority  
of the same, as follows:—

10 1. This Act may be cited as the "Australasian Federation Short title.  
Enabling Act, 1895."

2. In this Act the following terms bear the meanings set opposite Interpretation.  
to them respectively:—

15 "Colonies"—The Colonies of New South Wales, New Zealand,  
Queensland, Tasmania, Victoria, and Western Australia, and  
the Province of South Australia, including the Northern  
Territory.

212—A

"Constitution"—

*Australasian Federation Enabling.*

- “ Constitution ”—The Federal Constitution framed or accepted pursuant to this Act.
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- “ Prescribed ”—Prescribed by Regulation made under this Act.
- “ Proclamation ”—Proclamation by the Governor published in the *Gazette*.
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3. The chief objects of this Act are to provide as follows :— Chief objects.
- (I) For the representation of New South Wales at a Convention consisting of the Representatives of each Colony represented, charged with the duty of framing a Federal Constitution for Australasia.
- 25 (II) For submitting the Constitution so framed to the electors for the Legislative Assembly for acceptance or rejection by direct vote.
- (III) For transmitting the Constitution for enactment by the Imperial Parliament.
- 20 4. This Act shall come into operation on a day to be fixed by proclamation, when two Colonies, in addition to New South Wales, have adopted legislation providing, in respect of those Colonies, for the election of the representatives of those Colonies at the Convention. Commencement.
- 25 5. This Act is divided into four Parts, as follows :— Parts.
- PART I.—*The Convention.*
- PART II.—*The submission to the Electors.*
- PART III.—*The transmission for Legislative Enactment.*
- PART IV.—*Supplemental.*

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## PART I.

*The Convention.*

6. The Convention shall consist of ten Representatives of each Colony represented. Constitution of Convention.
7. The Convention shall be charged with the duty of framing for Australasia a Federal Constitution under the Crown in the form of a Bill for enactment by the Imperial Parliament. Convention to frame Constitution.
8. Every Member and every person eligible for membership of either House of Parliament shall be eligible for membership of the Convention as a Representative of New South Wales. And any one hundred or more electors duly qualified to vote for the election of a Member of the Legislative Assembly shall be entitled in the prescribed manner to nominate any eligible person, whose consent in writing shall accompany such nomination for such membership, and after such nomination has closed, the list of persons so nominated, with their residence and occupation, shall be advertised in the alphabetical order of their surnames at least three times in every newspaper published in the Colony. Members.
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*Australasian Federation Enabling.*

9. The seat of a Representative of New South Wales shall be vacated—<sup>Vacancies.</sup>
- (I) By resignation under his hand addressed to the Governor.
- (II) By absence, without the leave of the Convention, from any five sittings thereof.
- (III) By any other circumstance, except absence from the Assembly, which in the case of a Member of the Legislative Assembly would vacate his seat in the Assembly.
10. The first vacancy occurring pursuant to the preceding section shall forthwith be filled by the appointment by the Governor of the candidate who, not being, nor having been, a Member of the Convention was highest on the Poll. Every subsequent appointment to be made in like manner.<sup>Fresh election.</sup>
11. Every person being the holder of an Elector's Right shall be qualified and entitled to vote for the election of Representatives of New South Wales.<sup>Electors.</sup>
12. The first election of Representatives of New South Wales shall take place on a day to be fixed by Proclamation, which day, as nearly as may be conveniently practicable, shall be the same as the day of first election of Representatives of other Colonies.<sup>First election.</sup>
13. The voting shall be taken throughout New South Wales as one Electoral District, and every voter shall vote for the full number of Representatives required, otherwise the vote shall be rejected as informal.<sup>Electoral District.</sup>
14. No person shall vote more than once at the same election of Representatives of New South Wales.<sup>One vote only.</sup>
15. If any question arises respecting the validity of an election or return the same shall be heard and determined by the Elections and Qualifications Committee of the Legislative Assembly if Parliament is sitting, and if not sitting by a Committee appointed by the Convention as prescribed. And Part V of the Parliamentary Electorates and Elections Act of 1893 shall, *mutatis mutandis*, apply in respect of the powers, duties, and proceedings of the said Committees respectively acting under the authority of this section.<sup>Disputed election.</sup>
16. The result of every election for Representatives of New South Wales shall be reported to and certified by the Chief Secretary in manner prescribed, whose certificate shall be conclusive, except in proceedings for contesting the validity of the election.<sup>Certificate of results.</sup>
17. When the first elections have been held in three or more Colonies, a meeting of the Convention shall be convened for such time and place as a majority of the Governors of such Colonies may decide, or, in case of an equal division, as the Governor of the senior of such Colonies may fix.<sup>Meeting of Convention.</sup>
18. The Convention may adopt Standing Orders, and may provide for keeping and publishing records and journals of its proceedings, and for the conduct of its business, in such manner as may be thought fit; and in cases not otherwise provided for, the proceedings of the Convention shall be regulated by the Standing Orders and practice of the House of Commons so far as applicable.<sup>Procedure.</sup>
19. The Convention shall at its first meeting, before proceeding to the despatch of any other business, elect a Member of the Convention to be the President thereof.<sup>President.</sup>
20. The President may resign his office, or he may be removed from office by a vote of the Convention; and upon his ceasing to be a member of the Convention his office shall become vacant.<sup>Resignation or removal of President.</sup>
21. In the case of the absence of the President the Convention may choose some other Member of the Convention to perform his duties during his absence.<sup>Absence of President.</sup>
22. Whenever a vacancy occurs in the office of President, such vacancy shall forthwith be filled by a fresh election.<sup>Supply of vacancy.</sup>

*Australasian Federation Enabling.*

23. The presence, exclusive of the President, of at least one-half <sup>Quorum.</sup> of the total number of the Members of the Convention shall be necessary to constitute a meeting of the Convention for the exercise of its powers.

5 24. The Convention may appoint Committees of its Members <sup>Committees.</sup> which shall report to the Convention.

25. Questions arising in the Convention shall be decided by a <sup>Voting.</sup> majority of the votes of the Members present, other than the President; and when on any division the votes are equal, but not otherwise, the President shall have a vote, and his vote shall decide the question.

26. When the Constitution has been framed by the Convention, <sup>Adjournment of Convention.</sup> copies thereof shall be supplied to the Members of the Convention, and the President shall declare the sitting of the Convention adjourned 15 to a time and place to be fixed by the Convention, not being less than sixty nor more than one hundred and twenty days thereafter. And as soon as convenient the draft Constitution shall be submitted for consideration to each House of Parliament sitting in Committee of the Whole, and such amendments as may be desired by the Legislature, together with the draft Constitution, shall be remitted to the 20 Convention through the Senior Representative.

27. On the reassembling of the Convention, the Constitution <sup>Reassembling of Convention.</sup> as framed prior to the adjournment shall be reconsidered, together with such suggested amendments as shall have been forwarded by the 25 various Legislatures, and the Constitution so framed shall be finally adopted with any amendments that may be agreed to.

28. So soon as the Convention has finally adopted a Federal <sup>Final adoption.</sup> Constitution as required by the preceding section, and has disposed of all incidental business, copies certified by the President shall be 30 supplied in duplicate to the Members of the Convention, and the President shall declare the proceedings of the Convention closed.

29. The Representatives of New South Wales shall cease to hold <sup>Expiration of term of office.</sup> office at the expiration of a period to be proclaimed by the Governor in the *Gazette*.

35 30. Each Representative of New South Wales shall be entitled during his term of office to payment for his services at the rate of three pounds for each sitting of the Convention, to be paid by the Colonial Treasurer out of the Consolidated Revenue Fund. <sup>Payment of Representatives.</sup>

40 31. New South Wales shall contribute to the payment of the expenses of the meeting and proceedings of the Convention in the proportion which the population of New South Wales bears to the total <sup>Payment of expenses of Convention.</sup> population of the Colonies represented at the Convention, and the Colonial Treasurer shall make such payment accordingly out of the Consolidated Revenue Fund.

*Australasian Federation Enabling.*

## PART II.

*The Submission to the Electors.*

32. Within fourteen days after the close of the proceedings of the Convention, the certified copies of the Constitution shall be forwarded by the President of the Convention and by the Representatives of New South Wales or one of them to the Governor.

33. So soon as practicable after the close of the proceedings of the Convention, the question of the acceptance or rejection of the Constitution shall be referred and submitted to the vote of all persons in New South Wales qualified and entitled to vote for the election of Members of the Legislative Assembly.

The voting shall be taken throughout New South Wales as one Electoral District.

34. Each voter shall vote by ballot "Yes" or "No" on the question, in accordance with the direction on the Ballot-paper in the Schedule hereto, and all votes shall be taken on the same day.

35. No person shall vote more than once on the question.

36. The majority of votes shall decide the question, and if the Constitution be thereby rejected, no further action shall be taken pursuant to this Act: Provided that any number of votes in the affirmative less than fifty thousand shall be equivalent to the rejection of the Bill.

## PART III.

*The Transmission for Legislative Enactment.*

37. If two Colonies, in addition to New South Wales, accept the Constitution, both Houses of Parliament may adopt Addresses to the Queen, praying that the Constitution may be passed into law by the Imperial Parliament upon receipt of similar addresses from the Parliaments of two such Colonies.

38. When Addresses have been agreed to pursuant to the preceding section, the same shall be transmitted to the Queen with a certified copy of the Constitution.

## PART IV.

*Supplemental.*

39. If any person votes or attempts to vote more than once contrary to sections fourteen or thirty-five he shall be liable to a penalty not exceeding fifty pounds, or, at the option of the Court, to imprisonment not exceeding six calendar months.

40. For the purpose of holding elections of Representatives of New South Wales, and of submitting the acceptance or rejection of the Constitution to the electors, the Governor may cause writs to be issued in such form and addressed as he thinks fit.

*Australasian Federation Enabling.*

41. Unless and until otherwise prescribed, the laws relating to the conduct of elections for the Legislative Assembly, the proceedings before and at and subsequent to such elections, the trial of disputed elections, electoral offences, and all incidental matters, shall apply, <sup>Application of general law.</sup>  
 5 *mutatis mutandis*, to the election of Representatives of New South Wales, and to the proceedings for submitting the acceptance or rejection of the Constitution to the electors.
42. The Governor may make regulations prescribing the mode <sup>Regulations.</sup>  
 10 of nominating candidates, of holding elections of Representatives of New South Wales, and submitting the acceptance or rejection of the Constitution to the electors, and generally for the purposes of carrying into effect such provisions of this Act as relate to New South Wales.
43. All such regulations shall be published in the *Gazette*, and <sup>Publication of regulations.</sup>  
 15 on such publication shall have the force of law; and all such regulations shall be laid before both Houses of Parliament within fourteen days after the making thereof, if Parliament be then sitting, or if Parliament be not then sitting, within fourteen days after the next meeting of Parliament.
44. Any such regulation may provide for the enforcement <sup>Enforcement of regulations.</sup>  
 20 thereof by a penalty not exceeding fifty pounds, or, at the option of the Court, by imprisonment not exceeding six calendar months.
45. Penalties imposed by, and offences against, the provisions <sup>Recovery of penalties.</sup>  
 25 of this Act, or any regulations made thereunder, may be recovered, heard, and determined by a Police or Stipendiary Magistrate, or any two Justices of the Peace in Petty Sessions.

## THE SCHEDULE.

## AUSTRALASIAN FEDERAL CONSTITUTION.

*Ballot Paper.*

30 Are you in favour of the proposed Federal Constitution Bill?

"YES."

"NO."

If you are in favour of the Bill strike out the above word "No."

If you are against the Bill strike out the above word "Yes."

[6d.]