

1897.

LEGISLATIVE ASSEMBLY.  
NEW SOUTH WALES.

THE CONSTITUTION OF THE COMMONWEALTH OF  
AUSTRALIA.  
(DRAFT OF.)

Printed under No. 2 Report from Printing Committee, 6 May, 1897.

*Copy of Federal Constitution under the Crown, framed and approved by  
the Australasian Federal Convention, at Adelaide, South Australia,  
22nd March to 23rd April, 1897.*

E. G. BLACKMORE,  
Clerk.

C. C. KINGSTON,  
President.



ANNO QUINQUAGESIMO NONO ET SEXAGESIMO

VICTORIÆ REGINÆ.

A.D. 1897.

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DRAFT OF A BILL

To Constitute the Commonwealth of Australia.

WHEREAS the people of [*here name the Colonies which have* Preamble.  
*adopted the Constitution*] have agreed to unite in one  
indissoluble Federal Commonwealth under the Crown of the United  
Kingdom of Great Britain and Ireland, and under the Constitution  
5 hereby established: And whereas it is expedient to make provision for  
the admission into the Commonwealth of other Australasian 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  
10 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."



Act to bind Crown.  
Application of  
provisions shall  
extend to the Queen's  
Successors.

2. This Act shall bind the Crown, and its provisions referring to Her Majesty the Queen shall extend to Her Heirs and Successors in the Sovereignty of the United Kingdom of Great Britain and Ireland.

*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 5 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 people of [*here name the Colonies which have adopted the Constitution*] (hereinafter severally included in the expression "the said Colonies") shall 10 be united in a Federal Constitution under the name of "The Commonwealth of Australia"; and on and after that day the Commonwealth shall be established under that name.

Commencement  
of Act.

4. Unless it is otherwise expressed or implied, this Act shall commence and have effect on and from the day so appointed in 15 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 Colonies of New South Wales, New Zealand, Queensland, Tasmania, 20 Victoria, and Western Australia, and the Province of South Australia, as for the time being form part of the Commonwealth, and such Colonies or States as may hereafter be admitted into or established by the Commonwealth, and each of such parts of the Commonwealth shall be hereafter designated a "State." 25

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

6. "The Federal Council of Australasia Act, 1835," is hereby repealed, but such repeal shall not affect any laws passed by the Federal Council of Australasia and in force at the establishment of the Constitution of the Commonwealth.

But any such law may be repealed as to any State by the 30 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 Common- 35 wealth, shall, according to their tenour, 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 40 port of destination is in the Commonwealth.

Constitution.

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

THE CONSTITUTION.

Division of  
Constitution.

This Constitution is divided into Chapters and Parts as follows:—

CHAPTER I.—THE PARLIAMENT:

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PART I.—GENERAL;

PART II.—THE SENATE;

PART III.—THE HOUSE OF REPRESENTATIVES;

PART IV.—PROVISIONS RELATING TO BOTH HOUSES;

PART V.—POWERS OF THE PARLIAMENT:

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CHAPTER



CHAPTER II.—THE EXECUTIVE GOVERNMENT:

CHAPTER III.—THE FEDERAL JUDICATURE:

CHAPTER IV.—FINANCE AND TRADE:

CHAPTER V.—THE STATES:

5 CHAPTER VI.—NEW STATES:

CHAPTER VII.—MISCELLANEOUS:

CHAPTER VIII.—AMENDMENT OF THE CONSTITUTION.

CHAPTER I.

THE PARLIAMENT.

PART I.—GENERAL.

CHAPTER I.

THE PARLIAMENT.

PART I.

10

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

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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 of the Queen as Her Majesty may think fit to assign to him.

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3. Until The Parliament otherwise provides, the annual salary of the Governor-General shall be Ten Thousand Pounds, and shall be payable to the Queen out of the Consolidated Revenue Fund of the Commonwealth.

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The salary of a Governor-General shall not be altered during his continuance in office.

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4. The provisions of this Constitution relating to the Governor-General extend and apply to the Governor-General for the time being, or such person as the Queen may appoint to be the Chief Executive Officer or Administrator of the Government of the Commonwealth, by whatever title he is designated; but no such person shall be entitled to receive any salary from the Commonwealth in respect of any other office during his administration of the Government of the Commonwealth.

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

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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 Parliament, and may in like manner dissolve the House of Representatives.

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

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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.



Privileges, &c., of  
Houses.

8. The privileges, immunities, and powers of the Senate and of the House of Representatives, and of the Members and the Committees of each House, shall be such as are from time to time declared by The Parliament, and until declared shall be those of the Commons House of Parliament of the United Kingdom, and of its Members and Committees, at the establishment of the Commonwealth. 5

PART II.

PART II.—THE SENATE.

The Senate.

9. The Senate shall be composed of six Senators for each State, and each Senator shall have one vote.

The Senators shall be directly chosen by the people of the 10 State as one electorate.

The Senators shall be chosen for a term of six years, and the names of the Senators chosen by each State shall be certified by the Governor to the Governor-General.

The Parliament shall have power, from time to time, to increase 15 or diminish the number of Senators for each State, but so that the equal representation of the several States shall be maintained and that no State shall have less than six Senators.

The qualification of electors of Senators shall be in each State that which is prescribed by this Constitution or by The Parliament 20 as the qualification for electors of Members of the House of Representatives, but in the choosing of Senators each elector shall vote only once, and if any elector votes more than once he shall be guilty of a misdemeanour.

Mode of election  
of Senators.

10. The Parliament of the Commonwealth may make laws 25 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.

Continuance of  
existing election laws  
until The Parliament  
otherwise provides.

Until such determination, and unless The Parliament of the Commonwealth otherwise provides, the laws in force in the several 30 States for the time being, relating to the following matters, namely: The manner of conducting elections for the more numerous House of the Parliament of the State, the proceedings at such elections, Returning Officers, the periods during which elections may be continued, and offences against the laws regulating such elections 35 shall, as nearly as practicable, apply to elections in the several States of Senators.

Failure of a State  
to choose Members  
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. 40

Issue of writs.

12. For the purpose of holding elections of Members to represent any State in the Senate the Governor of the State may cause writs to be issued by such persons, in such form and addressed to such Returning Officers, as he thinks fit.

Retirement of  
Members.

13. As soon as practicable after the Senate first meets the 45 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, and afterwards there 50 shall be an election every third year accordingly.

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 55 preceding



preceding the day of his election. The election to fill the places of Senators retiring by rotation shall be made in the year preceding the day on which they are to retire.

14. If the place of a Senator becomes vacant before the expiration of his term of service the Houses of Parliament of the State he represented shall, sitting and voting together, choose a person to fill the vacancy until the expiration of the term or until the election of a successor as hereinafter provided, whichever first happens. And if the Houses of Parliament of the State are in recess at the time when the vacancy occurs the Governor of the State, with the advice of the Executive Council thereof, may appoint a person to fill the vacancy until the beginning of the next Session of the Parliament of the State or until the election of a successor, whichever first happens. At the next general election of Members of the House of Representatives, or at the next election of Senators for the State, whichever first happens, a successor shall, if the term has not then expired, be chosen to hold the place from the date of his election until the expiration of the term.

How vacancies filled.

15. The qualifications of a Senator shall be those of a Member of the House of Representatives.

Qualifications of Member.

16. The Senate shall, at its first meeting and before proceeding to the despatch of any other business, choose a Member to be President of the Senate; and as often as the office of President becomes vacant the Senate shall again choose a Member 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 Member his office shall become vacant.

17. The Senate may choose a Member to perform the duties of the President in his absence.

Absence of President provided for.

18. A Senator may, by writing addressed to the President, or to the Governor-General if there is no President, or if the President is absent from the Commonwealth, resign his place, which thereupon shall become vacant.

Resignation of place in Senate.

19. The place of a Senator shall become vacant if for two consecutive months of any Session of The Parliament he, without the permission of the Senate entered on its Journals, fails to attend the Senate.

Disqualification of Member by absence.

20. Upon the happening of a vacancy in the Senate the President, or if there is no President, or if the President is absent from the Commonwealth, the Governor-General shall forthwith notify the same to the Governor of the State in the representation of which the vacancy has happened.

Vacancy in Senate to be notified to Governor of State.

21. Until The Parliament otherwise provides, any question respecting the qualification of a Senator, or a vacancy in the Senate, shall be determined by the Senate.

Questions as to qualifications and vacancies in States Assembly.

22. The presence of at least one-third of the whole number of Senators shall be necessary to constitute a meeting of the Senate for the exercise of its powers.

Quorum of 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.

Voting in Senate.



PART III.  
HOUSE OF  
REPRESENTATIVES.  
Constitution of  
House of  
Representatives.

PART III.—THE HOUSE OF REPRESENTATIVES.

24. The House of Representatives shall be composed of Members directly chosen by the people of the several States, according to their respective numbers; as nearly as practicable there shall be two Members of the House of Representatives for every one Member of the Senate. 5

Until The Parliament otherwise provides for the method of determining the number of Members for each quota, there shall be one Member for each quota of the people of the State, and the quota shall, whenever necessary, be ascertained by dividing the population of the Commonwealth, as shown by the latest statistics of the Commonwealth, by twice the number of the Members of the Senate; and the number of Members to which each State is entitled shall be determined by dividing the population of the State, as shown by the latest statistics of the Commonwealth, by the quota. 10 15

But each of the existing Colonies of New South Wales, New Zealand, Queensland, Tasmania, Victoria, and Western Australia, and the Province of South Australia shall be entitled to five Representatives at the least.

Provision for case  
of persons not  
allowed to vote.

25. In ascertaining the number of the people of any State, so as to determine the number of Members to which the State is entitled, there shall be deducted from the whole number of the people of the State the number of the people of any race not entitled to vote at elections for the more numerous House of the Parliament of the State. 20

Mode of calculating  
number of Members.

26. When upon the apportionment of Representatives it is found that after dividing the number of the people of a State by the quota there remains a surplus greater than one-half of such quota, the State shall have one more Representative. 25

Representatives in  
first Parliament.

27. Notwithstanding anything in section twenty-four, 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, and in relation to the quota referred to in previous sections.*] 30

Increase of number  
of House of  
Representatives.

28. Subject to the provisions of this Constitution, the number of Members of the House of Representatives may be from time to time increased or diminished by The Parliament. 35

Electoral Divisions

29. Until The Parliament otherwise provides, the electoral divisions of the several States, for the purpose of returning Members of the House of Representatives, and the number of Members to be chosen for each electoral division, shall be determined from time to time by the Parliaments of the several States. Until division each State shall be one electorate. 40

Qualification of  
electors.

30. Until The Parliament otherwise provides, 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 of electors of the more numerous House of the Parliament of the State. But in the choosing of such Members each elector shall vote only once, and if any elector votes more than once he shall be guilty of a misdemeanour, and no elector who has at the establishment of the Commonwealth, or who afterwards acquires a right to vote at elections for the more numerous House of the Parliament of the State, shall, whilst the qualification continues, be prevented by any law of the Commonwealth from exercising such right at elections for the House of Representatives. 45 50



31. Until The Parliament otherwise provides, the qualifications of a Member of the House of Representatives shall be as follows :—

Qualifications of Members of House of Representatives.

- (I) He must be of the full age of twenty-one years, and must when chosen be an elector entitled to vote in some State at the election of Members of the House of Representatives or a person qualified to become such elector, 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 ;
- (II) He must be either a natural born subject of the Queen, or a subject of the Queen naturalised by or under a law of Great Britain and Ireland, or of one of the said Colonies, or of the Commonwealth, or of a State, at least five years before he is elected.

32. A Member of the Senate shall not be capable of being chosen or of sitting as a Member of the House of Representatives.

Members of States Assembly ineligible for House of Representatives.

33. 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 the Speaker; and the Speaker shall preside at all meetings of the House; and the choice of the Speaker shall be made known to the Governor-General by a deputation of the House.

Election of Speaker of the House of Representatives.

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

34. The House of Representatives may choose a Member to perform the duties of the Speaker during his absence.

Absence of Speaker provided for.

35. A Member may, by writing addressed to the Speaker, or to the Governor-General if there is no Speaker or if the Speaker is absent from the Commonwealth, resign his place, which thereupon shall become vacant.

Resignation of places in House of Representatives.

36. The place of a Member shall become vacant if for two consecutive months of any Session of The Parliament he, without permission of the House entered on its Journals, fails to attend the House.

Vacancy by absence of Member.

37. Upon the happening of a vacancy in the House of Representatives, the Speaker shall issue his writ for the election of a new Member; or if there is no Speaker, or if he is absent from the Commonwealth, the Governor-General shall issue the writ.

Issue of new writs.

38. 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.

39. 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 the Speaker shall have a casting vote, but otherwise he shall not vote.

Voting in House of Representatives.

40. Every House of Representatives shall continue for three years from the day appointed for the first meeting of the House, and no longer, but may be sooner dissolved by the Governor-General.

Duration of House of Representatives.

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.

41. 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.

Writs for General Election.

The writs shall be issued within ten days from the expiry of a Parliament, or from the proclamation of a dissolution.

42.



Continuance of  
existing Election  
Laws until The  
Parliament otherwise  
provides.

42. Until The Parliament 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 of the State, the proceedings at such elections, the Returning Officers, 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 as nearly as practicable apply to Elections in the several States of Members of the House of Representatives. 5 10

Questions as to  
qualifications and  
vacancies.

43. Until The Parliament otherwise provides, any question respecting the qualification of a Member or a vacancy in the House of Representatives shall be determined by the House.

#### PART IV.

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

Allowance to  
members.

44. Until The Parliament otherwise provides, each member, whether of the Senate or of the House of Representatives, shall receive an allowance for his services of Four Hundred Pounds a year, to be reckoned from the day on which he takes his seat. 15

Disqualifications of  
Members.

45. Any person—

- (I) 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 a citizen or entitled to the rights or privileges of a subject or a citizen of a Foreign Power; or 20
- (II) Who is an undischarged bankrupt or insolvent, or a public defaulter; or 25
- (III) 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 Member of the Senate or 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. 30

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

46. If a Member of the Senate or of the House of Representatives—

- (I) 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 35
- (II) Is adjudged bankrupt or insolvent, or takes the benefit of any law relating to bankrupt or insolvent debtors, whether by assignment, composition, or otherwise, or becomes a public defaulter; or 40
- (III) Is attainted of treason or convicted of felony or of any infamous crime; 45

his place shall thereupon become vacant.

Disqualifying con-  
tractors and persons  
interested in con-  
tracts.

47. 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 Member of the Senate or 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. 50

Any



Any person, being a Member of the Senate or of the House of Representatives, who, in the manner or to the extent forbidden in this section, undertakes, executes, holds, enjoys, or continues to hold, or enjoy, any such agreement, shall thereupon vacate his place.

5 But this section does not extend to any agreement made, Proviso exempting members of trading companies. 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.

10 Any person being a Member of the Senate or of the House of Representatives who, directly or indirectly, accepts or receives any fee or honorarium for work done or services rendered by him for or on behalf of the Commonwealth, whilst sitting as such Member, shall thereupon vacate his place.

15 48. If a Member of the Senate or 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 The 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:

25 Until The Parliament otherwise provides, no person, being a Member, or within six months of his ceasing to be a Member, shall be qualified or permitted to accept or hold any office, the acceptance or holding of which would, under this section, render a person incapable of being chosen or of sitting as a Member.

30 But this section does not apply to a person who is in receipt only of pay, half-pay, or a pension, as an Officer or member 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.

40 49. If any person by this Constitution declared to be incapable of sitting in the Senate or the House of Representatives or disqualified or prohibited from accepting or holding any office, sits as a Member of either House, or accepts or holds such office, he shall, for every day on which he sits or holds such office, 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.

45 50. Until The Parliament otherwise provides, all questions of disputed elections arising in the Senate or the House of Representatives shall be determined by a Federal Court or a Court exercising Federal jurisdiction. Disputed elections.

50 51. The Senate and the House of Representatives may each of them from time to time adopt Standing Rules and Orders as to the following matters— Standing Rules and Orders to be made.

(I) The orderly conduct of the business of the Senate and of the House of Representatives respectively:

(II) The mode in which the Senate and the House of Representatives shall confer, correspond, and communicate with each other relative to Votes or proposed Laws:

(III) The manner in which Notices of proposed Laws, Resolutions, and other business intended to be submitted to the Senate and the House of Representatives respectively may be published for general information:



- (IV) The manner in which proposed Laws are to be introduced, passed, numbered, and intitled:
- (V) The proper presentation of any proposed Laws passed by the Senate and the House of Representatives to the Governor-General for his assent: and
- (VI) The conduct of all business and proceedings of the Senate and the House of Representatives severally and collectively.

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## PART V.

POWERS OF  
THE PARLIAMENT.  
Legislative powers of  
the Parliament.

## PART V.—POWERS OF THE PARLIAMENT.

52. The Parliament shall, subject to the provisions of this Constitution, have full power and authority to make Laws 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, Telegraphic, Telephonic, and other like 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;
7. Munitions of War;
8. Navigation and Shipping;
9. Ocean Beacons and Buoys, and Ocean Light-houses and Light-ships;
10. Astronomical and Meteorological observations;
11. Quarantine;
12. Fisheries in Australian waters beyond territorial limits;
13. Census and Statistics;
14. Currency, Coinage, and Legal Tender;
15. Banking, the Incorporation of Banks, and the Issue of Paper Money;
16. Insurance, excluding State Insurance not extending beyond the limits of the State concerned;
17. Weights and Measures;
18. Bills of Exchange and Promissory Notes;
19. Bankruptcy and Insolvency;
20. Copyrights and Patents of Inventions, Designs, and Trade-marks;
21. Naturalization and Aliens;
22. Foreign Corporations, and trading or financial corporations formed in any State or part of the Commonwealth;
23. Marriage and Divorce;
24. Parental rights, and the custody and guardianship of infants;
25. The Service and Execution throughout the Commonwealth of the Civil and Criminal Process and Judgments of the Courts of the States;
26. The recognition throughout the Commonwealth of the Laws, the Public Acts and Records, and the Judicial Proceedings, of the States;
27. Immigration and Emigration;
28. The influx of Criminals;
29. External affairs and Treaties;
30. The relations of the Commonwealth to the Islands of the Pacific;

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31. The control and regulation of the navigation of the River Murray, and the use of the waters thereof from where it first forms the boundary between Victoria and New South Wales to the sea;
- 5 32. The control of Railways with respect to transport for the Military purposes of the Commonwealth;
33. The taking over by the Commonwealth with the consent of the State, of the whole or any part of the railways of any State or States upon such terms as may be arranged between
- 10 the Commonwealth and the State;
34. Railway construction and extension with the consent of any State or States concerned;
35. 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;
- 15 36. The exercise within the Commonwealth, at the request or with the concurrence of the Parliaments of all the States concerned, of any Legislative powers which can at the establishment of this Constitution be exercised only by the Parliament of the United Kingdom or by the Federal Council of Australasia;
- 20 37. Any matters necessary for or incidental to the carrying into execution of the foregoing powers or of any other powers vested by this Constitution in The Parliament or the Executive Government of the Commonwealth or in any department or officer thereof.
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53. The Parliament shall, subject to the provisions of this Constitution, have exclusive powers to make laws for the peace, order, and good government of the Commonwealth with respect to the following matters:—

Exclusive powers of the Parliament.

- (I) The affairs of the 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 any State.
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- (II) The government of any territory which by the surrender of any State or States and the acceptance of the Commonwealth becomes 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 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;
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- (III) 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;
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- (IV) Such other matters as are by this Constitution declared to be within the exclusive powers of The Parliament.
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#### *Money Bills.*

54. Proposed laws having for their main object the appropriation of any part of the public revenue or moneys, or the imposition of any tax or impost shall originate in the House of Representatives.

Money 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

Appropriation and Tax Bills.



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.

(II) Laws imposing taxation shall deal with the imposition 5  
of taxation only.

(III) Laws imposing taxation except Laws imposing duties of Customs on imports or of excise, shall deal with one subject of taxation only; but Laws imposing duties of Customs shall deal with duties of Customs only, and Laws imposing duties of excise shall deal 10  
with duties of excise only.

(IV) 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 the ordinary annual services, but shall be authorised by a separate Law or Laws. 15

(v) 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 20  
them, with or without modifications.

Recommendation of  
money votes.

56. It shall not be lawful for the Senate or the House of Representatives to pass any vote, resolution, or proposed Law for the appropriation of any part of the public revenue or moneys to any purpose which has not been first recommended to the House in 25  
which the proposal for appropriation originated 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 proposed Law passed by the Houses of The Parlia- 30  
ment 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. 35

Governor-General.

The Governor-General may return to the House of The Parliament in which it originated any proposed Law so presented to him, and may transmit therewith any amendments which he may recommend to be made in such Law, and the Houses may deal with the proposed amendments as they think fit. 40

Amendments.

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 one year after the receipt thereof thinks fit to disallow the Law, such disallowance on being made known by the Governor-General, by speech or message, to 45  
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 proposed Law reserved for the Queen's pleasure shall not have any force unless and until within two years from the day on 50  
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 55  
be made in the journals of each House.

#### CHAPTER



CHAPTER II.

THE EXECUTIVE GOVERNMENT.

CHAPTER II

THE EXECUTIVE GOVERNMENT.

60. 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.

61. 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.

62. 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.

63. 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. The Executive Government. Ministers of State.

Such Officers shall be Members of the Federal Executive Council, and shall be the Queen's Ministers of State for the Commonwealth.

After the first general election no Minister of State shall hold office for a longer period than three calendar months unless he shall be or become a Member of one of the Houses of The Parliament. Ministers to sit in Parliament.

64. Until The Parliament otherwise provides, the number of Ministers of State who may sit in either House shall not exceed seven, who shall hold such offices, and by such designation, as The Parliament from time to time prescribes, or, in the absence of provision, as the Governor-General from time to time directs. Number of Ministers

65. Until The Parliament otherwise provides, 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 twelve thousand pounds a year. Salaries of Ministers.

66. Until The Parliament otherwise provides, the appointment and removal of all other officers of the Government of the Commonwealth shall be vested in the Governor-General in Council. Appointment of Civil Servants.

67. The Executive power and authority of the Commonwealth shall extend to the execution of the provisions of this Constitution, and of the Laws of the Commonwealth. Authority of Executive.

68. The Command in Chief of all the 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.

69. On the establishment of the Commonwealth the control of the following departments of the Public Service in each State shall become transferred to the Executive Government of the Commonwealth, that is to say :— Immediate assumption of control of certain Departments.

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

The



The obligations of each State in respect of the Departments transferred shall thereupon be assumed by the Commonwealth.

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

70. 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.

Judicial power and Courts.

71. The judicial power of the Commonwealth shall be vested in one Supreme Court, to be called the High Court of Australia, and in such other Courts as The Parliament may from time to time create or invest with federal jurisdiction. The High Court shall consist of a Chief Justice, and so many other Justices, not less than four, as the Parliament may from time to time prescribe.

Judges' tenure, appointment, removal, and remuneration.

72. The Justices of the High Court and of the other Courts created by The Parliament—

- (I) Shall hold their offices during good behaviour :
- (II) Shall be appointed by the Governor-General in Council : 25
- (III) Shall not be removed except for misbehaviour or incapacity, and then only by the Governor-General in Council, upon an Address from both Houses of The Parliament in the same Session praying for such removal :
- (IV) Shall receive such remuneration as The Parliament may from time to time fix ; but such remuneration shall not be diminished during their continuance in office.

Extent of judicial power.

73. The judicial power shall extend to all matters :—

- (I) Arising under this Constitution, or involving its interpretation :
- (II) Arising under any Laws made by the Parliament : 35
- (III) Arising under any treaty :
- (IV) Of Admiralty and Maritime jurisdiction :
- (V) Affecting the Public Ministers, Consuls, or other representatives of other Countries :
- (VI) In which the Commonwealth, or a person suing or being sued on behalf of the Commonwealth, is a party : 40
- (VII) In which a Writ of Mandamus or Prohibition is sought against an Officer of the Commonwealth :
- (VIII) Between States :
- (IX) Relating to the same subject matter claimed under the Laws of different States. 45

Appellate jurisdiction of High Court.

74. The High Court shall have jurisdiction, with such exceptions and subject to such regulations as The Parliament may from time to time prescribe, to hear and determine appeals from all judgments, decrees, orders, and sentences of any other Federal Court, or Court exercising federal jurisdiction, or of the Supreme Court of any State, whether any such Court is a Court of appeal or of original jurisdiction ; and the judgment of the High Court in all such cases shall be final and conclusive.

Until



Until The Parliament otherwise provides, the conditions and restrictions on appeals to the Queen in Council from the Supreme Courts of the several States shall be applicable to appeals from them to the High Court.

5       **75.** No appeal shall be allowed to the Queen in Council from any Court of any State or from the High Court or any other Federal Court, except that the Queen may, in any matter in which the public interests of the Commonwealth, or of any State, or of any other part of Her dominions, are concerned, grant leave to appeal to the Queen  
10 in Council from the High Court. No appeals to the Queen in Council except in certain cases.

**76.** Within the limits or the judicial power the Parliament may from time to time:— Jurisdiction of Courts.

- (I) Define the jurisdiction to be exercised by the Federal Courts other than the High Court ;  
15 (II) Prescribe whether the jurisdiction of the Federal Courts shall be exclusive of, or concurrent with, that which may belong to or be vested in the Courts of the States :  
(III) Invest the Courts of the States with federal jurisdiction within such limits, or in respect of such matters, as it thinks  
20 fit.

**77.** In all matters :

- (I) Affecting Public Ministers, Consuls, or other Representatives of other Countries : Original jurisdiction of High Court.  
(II) Arising under any treaty :  
25 (III) Between States :  
(IV) In which the Commonwealth, or a person suing or being sued on behalf of the Commonwealth, is a party :  
(V) In which a Writ of Mandamus or Prohibition is sought against an Officer of the Commonwealth :

30 the High Court shall have original as well as appellate jurisdiction.

The Parliament may confer original jurisdiction on the High Court in other matters within the judicial power. Additional original jurisdiction may be conferred.

**78.** The jurisdiction of the High Court, or of any other Court exercising Federal jurisdiction may be exercised by such number of  
35 Judges as The Parliament prescribes. Number of Judges.

**79.** The trial of all indictable offences cognisable by any Court established under the authority of this Constitution 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  
40 shall be held at such place or places as The Parliament prescribes. Trial by jury.

**80.** No person holding any judicial office shall be appointed to or hold the office of Governor-General, Lieutenant-Governor, Chief Executive Officer, or Administrator of the Government, or any other executive office. Judges not to be Governor-General, &c.

45

#### CHAPTER IV.

##### FINANCE AND TRADE.

**81.** All revenues 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  
50 Public Service of the Commonwealth in the manner and subject to the charges provided by this Constitution.

**82.** 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 Expenses of collection.

#### CHAPTER IV.

##### FINANCE AND TRADE.

Consolidated Revenue Fund.



expenses, shall form the first charge thereon; and the revenue of the Commonwealth shall, in the first instance, be applied to the payment of the expenditure of the Commonwealth.

Money to be appropriated by law.

83. No money shall be drawn from the Treasury of the Commonwealth except under appropriation made by law and by warrant countersigned by the Chief Officer of Audit of the Commonwealth. 5

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

84. The Parliament shall have the sole power and authority, subject to the provisions of this Constitution, to impose Customs duties, to impose duties of Excise, and to grant Bounties upon the production or export of goods. 10

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

Upon the imposition of uniform duties of Customs all laws of the several States imposing duties of Customs or duties of Excise, and all such laws offering Bounties upon the production or export of goods, shall cease to have effect. 15

The control and collection of duties of Customs and Excise and the control of the payment of Bounties shall nevertheless pass to the Executive Government of the Commonwealth upon the establishment of the Commonwealth. 20

This section shall not apply to Bounties or Aids to mining for gold, silver, or other metals.

Transfer of officers

85. 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; and thereupon any such officer shall, if he is not retained in the service of the Commonwealth, be entitled to receive from the State any gratuity or other compensation payable under the law of the State on abolition of his office; but if he is retained in the service of the Commonwealth he shall be entitled to retire from office at the time and upon the pension or retiring allowance permitted and provided by the law of the State on such retirement; and the pension or retiring allowance shall be paid by the State and by the Commonwealth respectively in the proportion which his service with the State bears to the whole term of his service, and all existing and accruing rights of any officers so retained in the service of the Commonwealth shall be preserved. 35

Transfer of land, buildings, vessels, &c.

86. All lands, buildings, works, vessels, materials, and things necessarily appertaining to, or used in connection with, any Department of the Public Service, the control of which is by this Constitution transferred to the Commonwealth, shall, from the establishment of the Commonwealth, be taken over by and vest in the Commonwealth, either absolutely, or, in the case of the Departments controlling Customs and Excise and Bounties, for such time as may be necessary. 45

The fair value thereof, or of the use thereof, as the case may be, shall be paid by the Commonwealth to the State from which they are taken over. Such value shall be ascertained by mutual agreement, or, if no agreement can be made, in the manner in which the value of land, or of an interest in land, taken by the Government of the State for the like public purposes is ascertained under the laws of the State at the establishment of the Commonwealth. 50

Collection of existing duties of Customs and Excise.

87. Until uniform duties of Customs have been imposed, the powers of the Parliaments of the several States existing at the establishment of the Commonwealth, respecting the imposition of duties of Customs, the imposition of duties of Excise, and the offering of Bounties upon the production or export of goods, and the collection and payment thereof respectively, shall continue. 55

Until



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

88. Uniform duties of Customs shall be imposed within two years after the establishment of the Commonwealth. Uniform duties of Customs.

89. So soon as uniform duties of Customs have been imposed, 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.

90. Until uniform duties of Customs have been imposed, there shall be shown, in the books of the Treasury of the Commonwealth, in respect of each State— Accounts to be kept.

(I) The revenues collected from duties of Customs and Excise, and from the performance of the services and the exercise of the powers transferred from the State to the Commonwealth by this Constitution.

(II) The expenditure of the Commonwealth in the collection of duties of Customs and Excise, and in the performance of the services and the exercise of the powers transferred from the State to the Commonwealth by this Constitution.

(III) The monthly balance (if any) in favour of the State.

From the balance so found in favour of each State there shall be deducted its share of the expenditure of the Commonwealth in the exercise of the original powers given to it by this Constitution, and this share shall be in the numerical proportion of the people of the State to those of the Commonwealth as shown by the latest statistics of the Commonwealth. After such deduction, the surplus shown to be due to the State shall be paid to the State month by month. Balance to be paid to States after deduction.

91. During the first three years after the establishment of the Commonwealth, notwithstanding anything contained in the last section, the total yearly expenditure of the Commonwealth, in the exercise of the original powers given to it by this Constitution, shall not exceed the sum of three hundred thousand pounds; and the total yearly expenditure of the Commonwealth in the performance of the services and the exercise of the powers transferred from the States to the Commonwealth by this Constitution shall not exceed the sum of one million two hundred and fifty thousand pounds. Expenditure.

92. During the first five years after uniform duties of Customs have been imposed the aggregate amount to be paid to the whole of the States for any year shall not be less than the aggregate amount returned to them during the year last before the imposition of such duties. Payment to each State for five years after uniform tariffs.

(I) Subject to the last paragraph, for a period of five years after the imposition of uniform duties of Customs, the total amount of duties of Customs and Excise collected in each year in any State, or estimated as hereinafter provided, as the case may require, shall be repaid to such State of the Commonwealth, after deducting from the amount, in proportion to the population, the share of the State in the total expenditure of the Commonwealth not provided for by other means of revenue. The repayment shall be made month by month to the several States, in, as nearly as practicable, the proper proportions:



- (II) For the purpose of ascertaining the proportion of revenue from Customs and Excise collected in each State there shall for the first year after the imposition of uniform duties of Customs be shown in the books of the Treasury of the Commonwealth the total amount collected in each State for duties of Customs and Excise. 5
- (III) During such first year the duty chargeable under the uniform tariff upon goods which are imported into any State (whether duty has or has not been actually paid thereon), and during that year exported to any other State for consumption therein, shall be deemed to have been collected in, and shall be credited to, such other State only, and all duties of Excise paid in respect of any goods manufactured in any State, and so exported to another State for consumption therein, shall be deemed to have been collected in, and shall be credited to, such other State only. 10 15
- (IV) For the purpose of estimating the amount of the Customs and Excise arising in each State during each of the four years next after such first year, an average shall be taken by dividing the total Customs and Excise collected in the whole Commonwealth during such first year by the total population of the Commonwealth, as shown by the latest statistics of the Commonwealth, and the result shall be deemed to be the amount contributed by each person. 20
- (V) Where the amount credited to any State during such first year is in excess of the amount of the average so ascertained, there shall in each of the next four years be deducted therefrom one-fifth part of the excess; and where the amount so credited is less than such average, there shall be added to the amount one-fifth part of the sum by which the amount so credited is less than the average; and the sums so ascertained shall be the estimated amounts to be repaid in each of the four years to the States respectively. 25 30

Distribution of  
surplus.

93. After the expiration of five years from the imposition of uniform duties of Customs, each State shall be deemed to contribute to the revenue an equal sum per head of its population, and all surplus revenue over the expenditure of the Commonwealth shall be distributed month by month among the several States in proportion to the numbers of their people as shown by the latest statistics of the Commonwealth. 35 40

Audit of Accounts.

94. Until The Parliament otherwise provides, the Laws in force in the several Colonies at 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. 45 50

#### *Equality of Trade.*

No derogation from  
freedom of trade.

95. Preference shall not be given by any law or regulation of commerce or revenue to the ports of one State over the ports of another State, and any law or regulation made by the Commonwealth, or by any State, or by any authority constituted by the Commonwealth, or by any State, having the effect of derogating from freedom of trade or commerce between the different parts of the Commonwealth shall be null and void. 55



96. The Parliament may make laws constituting an Inter-State Commission to execute and maintain upon railways within the Commonwealth, and upon rivers flowing through, in, or between, two or more States, the provisions of this Constitution relating to trade and commerce.

97. The Commission shall have such powers of adjudication and administration as may be necessary for its purposes and as The Parliament may from time to time determine.

98. The Parliament may take over the whole, or a ratable proportion, of the public debts of the States as existing at the establishment of the Commonwealth, and may from time to time convert, renew, or consolidate such debts, or any part thereof; and the States respectively shall indemnify the Commonwealth in respect of the amount of the debts taken over, and thereafter the amount of interest payable in respect of the debts shall be deducted and retained from time to time from the respective shares of the surplus revenue of the Commonwealth which would otherwise be payable to the States, or if there be no surplus revenue payable, or if such surplus revenue be insufficient, then the amount shall be charged to and paid by the respective States wholly or in part. The ratable proportion of the debts of the several States to be taken over is to be calculated on the basis of the populations of the several States as ascertained by the latest statistics of the Commonwealth.

## CHAPTER V.

## CHAPTER V.

25

### THE STATES.

### THE STATES.

99. All powers which at 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.

100. 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 provision is made in that behalf by The Parliament of the Commonwealth.

101. 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.

102. All powers and functions which are at 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.

103. Subject to the provisions of this Constitution, the Constitutions of the several States of the Commonwealth shall continue as at 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.

104. 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.



A State may cede any of its Territory.

**105.** 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 Commonwealth.

5

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

**106.** After uniform duties of Customs have been imposed, a State shall not levy any impost or charge on imports or exports, except such as may be necessary for executing the inspection laws of the State; and the net produce of all imposts and charges 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.

10

Nor maintain forces, nor tax the property of the Commonwealth.

**107.** A State shall not, without the consent of The Parliament of the Commonwealth, raise or maintain any military or naval force, or impose any tax on property of any kind belonging to the Commonwealth; nor shall the Commonwealth impose any tax on property of any kind belonging to a State.

15

State not to coin money.

**108.** A State shall not coin money, nor make anything but gold and silver coin a legal tender in payment of debts.

Nor prohibit any religion.

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

20

Protection of citizens of the Commonwealth.

**110.** 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.

25

Recognition of Acts of State of various States.

**111.** 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 and domestic violence.

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

30

Custody of offenders against laws of the Commonwealth.

**113.** 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.

35

## CHAPTER VI.

### NEW STATES.

New States may be admitted to the Commonwealth.

**114.** The Parliament may from time to time admit to the Commonwealth any of the existing colonies of [*name the existing colonies which have not adopted the Constitution*] and may from time to time establish new States, and may upon such admission or establishment make and impose such terms and conditions, including the extent of representation in either House of The Parliament, as it thinks fit.

40

Provisional government of Territories.

**115.** 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 placed by the Queen under the authority of and accepted by the Commonwealth, or otherwise acquired by the Commonwealth, and may allow the representation of such territory in either House of The Parliament to the extent and on the terms which it thinks fit.

50

116.



116. 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 increase or diminution or alteration of territory in relation to any State affected.

Alteration of limits of States.

117. 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 affected.

Saving of rights of States.

## CHAPTER VII.

### MISCELLANEOUS.

## CHAPTER VII.

### MISCELLANEOUS.

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

Seat of Government.

Until such determination 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.

119. 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.

120. In reckoning the numbers of the people of a State or other part of the Commonwealth aboriginal natives shall not be counted.

Aborigines of Australia not to be counted in reckoning population.

## CHAPTER VIII.

### AMENDMENT OF THE CONSTITUTION.

## CHAPTER VIII.

### AMENDMENT OF CONSTITUTION.

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

Mode of amending the Constitution.

Any proposed law for the alteration thereof must be passed by an absolute majority of the Senate and of the House of Representatives, and shall thereupon be submitted in each State to the electors qualified to vote for the election of Members of the House of Representatives, not less than two nor more than six calendar months after the passage through both Houses of the proposed law.

The vote shall be taken in such manner as The Parliament prescribes.

And if a majority of the States and a majority of the electors voting approve the proposed law, it shall be presented to the Governor-General for the Queen's assent. But until the qualification of electors of Members of the House of Representatives becomes uniform throughout the Commonwealth only one-half the votes for and against the proposed law shall be counted in any State in which adult suffrage prevails.



But an alteration by which the proportionate representation of any State in either House of The Parliament 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 majority of the electors voting in that State.

5

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THE SCHEDULE.

*Oath.*

I, A.B., do swear that I will be faithful and bear true allegiance to Her Majesty Queen Victoria, Her heirs and successors, according to law. So HELP ME GOD!

*Affirmation.*

10

I, A.B., 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.*)

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