

CONFIDENTIAL.

[*Draft.*]

A

B I L L

FOR

The Federation of the Australasian Colonies of New South Wales, Queensland, Tasmania, Victoria, Western Australia, and the Province of South Australia, and the Government thereof; and for Purposes connected therewith.

WHEREAS the Australasian Colonies of New South Wales, Queensland, Tasmania, Victoria, Western Australia, and the Province of South Australia have expressed their desire to be federally united into one Dominion under the Crown of the United Kingdom of Great Britain and Ireland, in the manner hereinafter appearing : PREAMBLE.

And whereas on the establishment of such Dominion as aforesaid by authority of Parliament it is expedient, not only that the constitution of the Federal Legislative authority in such Dominion be provided for, but also that the nature of the Federal Executive authority therein be declared :

And whereas it is expedient that provision be made for the eventual admission into the Dominion of other Australasian Colonies :

Be it therefore enacted and declared by the Queen's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in the present Parliament assembled, and by the authority of the same, as follows :—

I.—PRELIMINARY.

Short title.

1 This Act may be cited as "The Australasian Federation Act, 1892."

Application of provisions referring to the Queen

2 The provisions of this Act referring to Her Majesty the Queen extend also to the Heirs and Successors of Her Majesty, Kings and Queens of the United Kingdom of Great Britain and Ireland.

II.—FORMATION OF THE FEDERAL DOMINION OF AUSTRALASIA.

Power to proclaim Federal Dominion of Australasia.

3 It shall be lawful for the Queen, by and with the advice of Her Majesty's Most Honourable Privy Council, to declare by Proclamation that, on and after a day therein appointed, not being more than Six months after the passing of this Act, the Colonies of New South Wales, Queensland, Tasmania, Victoria, Western Australia, and the Province of South Australia, (which said Colonies and Province are hereinafter severally included in the expression "the said Colonies") shall be federally united under one Supreme Parliament and one Supreme Executive Authority under the name of "The Federal Dominion of Australasia;" and on and after that day each of the said Colonies shall be a Province of the Federal Dominion of Australasia.

Construction of subsequent provisions of Act.

4 The subsequent provisions of this Act shall, unless it is otherwise expressed or implied, commence and have effect on and after the day appointed in the Queen's Proclamation for the Federation of the said Colonies to take effect; and in the same provisions, unless it is otherwise expressed or implied, the name "The Federal Dominion of Australasia" shall be taken to mean the Federal Dominion of Australasia as constituted under this Act.

III.—FEDERAL EXECUTIVE POWER.

Declaration of executive power in the Queen.

5 The executive power and authority of and in the Federal Dominion of Australasia is hereby declared to continue and be vested, subject to the provisions of this Act, in the Queen.

Governor-General.

6 It shall be lawful for the Queen from time to time to appoint a Governor-General to exercise in the Federal Dominion of Australasia during Her Majesty's pleasure, and subject to the provisions of this Act, such executive powers, authorities, and functions as Her Majesty may deem necessary or expedient to assign to him.

Application of provisions referring to Governor-General.

7 The provisions of this Act relating to the Governor-General shall extend and apply to the Governor-General for the time being of the Federal Dominion of Australasia, or other the chief Executive Officer or Administrator for the time being carrying on the Government of the Federal Dominion of Australasia on behalf and in the name of the Queen, by whatever title he is designated.

Constitution of Executive Council for Federal Dominion.

8 There shall be a Council to aid and advise the Governor-General in the Government of the Federal Dominion of Australasia, and such Council shall be styled "The Executive Council for the Federal Dominion of Australasia"; and the persons who are to be Members of that Council shall be from time to time chosen and summoned by the Governor-General and sworn in as Executive Councillors, and Members thereof may be from time to time removed by the Governor-General.

9 All powers, authorities, and functions which under any Act of the Parliament of Great Britain, or of the Parliament of the United Kingdom of Great Britain and Ireland, or of any of the Parliaments of any of the said Colonies, are at the date on which the Federation of the said Colonies takes effect as aforesaid vested in or exerciseable by the respective Governors of those Colonies with the advice or with the advice and consent of the respective Executive Councils thereof, or in conjunction with those Councils or with any number of Members thereof, or by those Governors individually, shall, as far as the same shall continue in existence and shall be capable of being exercised in relation to the Government of the Federal Dominion of Australasia after the Federation of the said Colonies as aforesaid, be vested in and exerciseable by the Governor-General, with the advice or with the advice and consent of or in conjunction with the Executive Council for the Federal Dominion of Australasia, or any Members thereof, or by the Governor-General individually, as the case requires, subject nevertheless to be abolished or altered by the Federal Parliament hereinafter mentioned.

All powers under Acts to be exercised by Governor-General with advice of Executive Council, or alone.

10 The provisions of this Act referring to the Governor General in Council shall be construed as referring to the Governor-General acting by and with the advice of the Executive Council for the Federal Dominion of Australasia.

Application of provisions referring to Governor-General in Council.

11 It shall be lawful for the Queen, to 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 Federal Dominion of Australasia, and in that capacity to exercise during the pleasure of the Governor-General such of the powers, authorities, 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 a Deputy or Deputies shall not affect the exercise by the Governor-General himself of any power, authority, or function.

Power to Her Majesty to authorise Governor-General to appoint Deputies

12 The command-in-chief of the Land and Naval Militia, and of all Naval and Military Forces, of the Federal Dominion of Australasia, shall and is hereby declared to be vested in the Governor-General.

Command of Forces vested in Governor-General.

IV.—FEDERAL PARLIAMENT.

13 There shall be one Federal Parliament for the Federal Dominion of Australasia, consisting of the Governor-General, a Senate, and a House of Representatives.

Constitution of Federal Parliament.

14 The privileges, immunities, and powers to be held, enjoyed, and exercised by the Senate and by the House of Representatives, and by the Members thereof respectively, shall be such as are from time to time defined by Act of the Federal Parliament.

Privileges, &c. of Houses.

15 Every Member of the Senate and every Member of the House of Representatives shall before taking his seat therein take and subscribe before the Governor-General, or some person authorised by him, the Oath of Allegiance contained in the First Schedule to this Act.

Oath of Allegiance. First Schedule.

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

First Session of Federal Parliament.

16 The Governor-General shall fix such times and places for holding the first and every other Session of the Federal Parliament, and vary and alter the same respectively in such manner as he may think fit, giving sufficient notice thereof, and also from time to time prorogue the said Parliament and dissolve the House of Representatives by Proclamation or otherwise whenever he shall deem it expedient so to do: Provided that the Federal Parliament shall be called together not later than Six months after the date on which the Federation takes effect as aforesaid, and that nothing herein contained shall be construed to empower the Governor-General to dissolve the Senate.

Yearly Session of Federal Parliament.

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

The Senate.

Number of Senators.

Retirement of Senators.

18 The Senate shall be composed of Six Senators from each Province, who shall be chosen by the Houses of the Parliament of the Province for a term of Nine years; and each Senator shall have one vote. Provided that during the First Sitting of the Senate after the First Election of Senators under this Act the Senators chosen in each Province at such First Election shall be equally divided by lot into Three Classes, and the Seats of the Senators so divided shall become vacant in the following rotation; that is to say,—the Seats of the Senators of the First Class shall be vacated at the expiration of the Third year after the date of their election; the Seats of the Senators of the Second Class shall be vacated at the expiration of the Sixth year after election; and the Seats of the Senators of the Third Class shall be vacated at the expiration of the Ninth year after their election.

How vacancies filled.

19 If the Seat of any Senator shall become vacant during the recess of the Parliament of the Province which such Senator represented, the Governor of such Province, by and with the advice of the Executive Council thereof, may appoint a Senator temporarily to fill such vacancy until the next meeting of the Houses of the Parliament of such Province, which shall then elect a Senator to fill such vacancy as aforesaid.

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

20 If the seat of any Senator becomes vacant before the expiration of the term of service for which he was elected, the Senator who shall be elected to fill such seat shall hold the same only during the unexpired portion of the term for which the previous Senator was elected.

Qualifications of Senator.

21 The qualifications of a Senator shall be as follows:—

- i. He shall be of the full age of Thirty years, and shall when elected be a resident of the Province for which he is chosen:
- ii. He shall be either a natural-born subject of the Queen, or a subject of the Queen naturalised by an Act of the Parliament of Great Britain, or of the Parliament of the United Kingdom of Great Britain and Ireland, or of the Parliament of one of the said Colonies before

the Federation, or of the Federal Parliament after the Federation.

22 A Senator may, by writing under his hand addressed to the Governor of the Province which such Senator represents, resign his place in the Senate, and thereupon the same shall be vacant. Resignation of place in Senate.

23 The place of a Senator shall become vacant in any of the following cases :— Disqualification of Senators.

- i. If for Two consecutive Sessions of the Federal Parliament he fails to give his attendance in the Senate :
- ii. If he 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 :
- iii. If he is adjudged bankrupt or insolvent, or applies for the benefit of any Law relating to insolvent debtors, or becomes a public defaulter :
- iv. If he is attainted of treason, or convicted of felony or of any infamous crime.

24 If any question arises respecting the qualification of a Senator or a vacancy in the Senate, the same shall be heard and determined by the Senate. Questions as to qualifications and vacancies in Senate.

25 The Senate shall, at its first Meeting and before proceeding to the despatch of any other business, elect a Member of the Senate to be the President thereof ; and as often as the place of such President shall become vacant by death, resignation, retirement, or removal by a vote of the Senate, the Senate shall again elect a Member of the Senate to be the President thereof ; and the President so elected shall preside at all Meetings of the Senate ; and the election of the President of the Senate shall be notified to the Governor-General by a deputation of the said Senate. Election of President of the Senate.

26 In case of the absence of the President in consequence of leave of absence granted to him by the Senate, or of illness or other unavoidable cause, it shall be lawful for the Senate to choose some other Member of the Senate to fill temporarily the office and perform the duties of the President during his absence. Absence of President provided for.

27 Until the Federal Parliament otherwise provides, the presence of at least Twenty Senators, including the President, shall be necessary to constitute a meeting of the Senate for the exercise of its powers. Quorum of Senate.

28 Questions arising in the Senate shall be decided by a majority of votes ; and the President shall in all cases have a vote ; and when the votes are equal the decision shall be deemed to be in the negative. Voting in Senate.

The House of Representatives.

29 The House of Representatives shall be composed of Members chosen every Three years by the people of the several Provinces, on the basis of their respective populations ; and until the Federal Constitution of House of Representatives.

Parliament shall otherwise provide, each Province shall have One Representative for every Twenty thousand inhabitants thereof. And in every case in which, upon the apportionment of Representatives to any Province, it shall be found that there are not less than Eleven thousand inhabitants in excess of the number required to entitle such Province to the number of Representatives that would be apportioned to it without such excess, such Province shall have an additional Representative for such excess.

Number of
Members from
each Province.

30 Until the Federal Parliament otherwise provides, the House of Representatives shall consist of One hundred and fifty-eight Members elected from the several Provinces, as follows :—

New South Wales.....	Fifty-six Members.
Victoria.....	Fifty-six Members.
Queensland.....	Twenty Members.
South Australia.....	Sixteen Members.
Tasmania.....	Eight Members.
Western Australia.....	Two Members.

Division of
Provinces.

31 Until the Federal Parliament or the Parliament of any Province otherwise provides, the said Provinces of New South Wales, Victoria, Queensland, South Australia, Tasmania, and Western Australia shall, for the purpose of returning Members of the House of Representatives, be divided into Electoral Districts as provided in the Second Schedule to this Act.

Second Schedule.

Continuance of
existing Election
Laws until
Federal Parlia-
ment otherwise
provides.

32 Until the Federal Parliament otherwise provides, all Laws in force in the said Colonies at the date of the Federation relative to the following matters or any of them,—namely, the qualifications and disqualifications of the voters at Elections of Members of the House of Assembly or Legislative Assembly in the said Colonies, the oaths to be taken by voters, the Returning Officers, their powers and duties, the proceedings at Elections, the periods during which Elections may be continued, the trial of controverted Elections and proceedings incident thereto, and the execution of new Writs in case of Seats vacated otherwise than by dissolution,—shall respectively apply to Elections in the several Provinces of Members to serve in the House of Representatives.

Qualifications of
Member of
House of Repre-
sentatives.

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

- i. He shall be of the full age of Twenty-one years, and shall when elected be a resident of the Province for which he is chosen :
- ii. He shall be either a natural-born subject of the Queen, or a subject of the Queen naturalised by an Act of the Parliament of Great Britain, or of the Parliament of the United Kingdom of Great Britain and Ireland, or of the Parliament of one of the said Colonies before the Federation, or of the Federal Parliament after the Federation.

Resignation of
place in House of
Representatives.

34 A Member of the House of Representatives may, by writing under his hand addressed to the Governor of the Province which such Member represents, resign his place in the House of Representatives, and thereupon the same shall be vacant.

35 The place of a Member of the House of Representatives shall become vacant in any of the following cases :— Disqualification of Members.

- i. If for One whole Session of the Federal Parliament he shall, without permission of the House of Representatives, fail to give his attendance in the said House :
- ii. If he 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 :
- iii. If he is adjudged bankrupt or insolvent, or applies for the benefit of any Law relating to insolvent debtors, or becomes a public defaulter :
- iv. If he is attainted of treason, or convicted of felony or of any infamous crime.

36 If any question arises respecting the qualification of a Member or a vacancy in the House of Representatives, the same shall be heard and determined by the House of Representatives. Questions as to qualifications and vacancies.

37 For the First Election of Members to serve in the House of Representatives the Governor-General shall cause Writs to be issued by such person, in such form, and addressed to such Returning Officers, as he thinks fit. Writs for First Election.

The person issuing Writs under this Section shall have the like powers as are possessed at the date of the Federation by the Officers charged with the issuing of Writs for the Election of Members to serve in the respective Houses of Assembly or Legislative Assemblies of the said Colonies ; and the Returning Officers to whom Writs are directed under this Section shall have the like powers as are possessed at the Federation by the Officers charged with the returning of Writs for the Election of Members to serve in the same respective Houses of Assembly or Legislative Assemblies.

38 In case a vacancy in the representation in the House of Representatives of any Electoral District happens before the first meeting of the Federal Parliament, or after the meeting thereof, and before any provision is made by the Federal Parliament for conducting Elections of Members of the House of Representatives, the provisions of the last foregoing Section of this Act shall extend and apply to the issuing and returning of a Writ in respect of such vacant District. As to casual vacancies.

39 The House of Representatives shall, at its first meeting after every General Election, and before proceeding to the despatch of any other business, elect a Member of such House to be the Speaker thereof, and in the case of his death, resignation, or removal by a vote of the House of Representatives, the said House shall forthwith proceed to elect a Member of the House to be Speaker thereof ; and the Speaker so elected shall preside at all Meetings of the said House of Representatives ; and the election of such Speaker shall be notified to the Governor by a deputation of the said House. Election of Speaker of House of Representatives.

40 In case of the absence of the Speaker in consequence of leave of absence granted to him by the House of Representatives, or of illness or other unavoidable cause, it shall be lawful for the House of Representatives to choose some other Member of the said House to fill Absence of Speaker provided for.

temporarily the office and perform the duties of the Speaker during his absence.

Quorum of
House of
Representatives.

41 The presence of at least Fifty Members of the House of Representatives shall be necessary to constitute a Meeting of the House for the exercise of its powers ; and for that purpose the Speaker shall be reckoned as a Member.

Voting in House of
Representatives.

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

Duration of
House of
Representatives.

43 Every House of Representatives shall continue for Three years from the day of the return of the Writs for choosing the House (subject nevertheless to be sooner dissolved by the Governor-General), and no longer.

Increase of
number of
House of
Representatives.

44 The number of Members of the House of Representatives may be from time to time increased or diminished by the Federal Parliament, provided the proportionate representation of the several Provinces on the basis of their respective populations shall be preserved.

Powers of Federal Parliament.

Taxation.

45 The Federal Parliament shall have power—

i. To raise money by any mode or system of Taxation for the purpose of providing for the due and efficient exercise of the executive power and authority of the Queen in the Federal Dominion of Australasia, and paying the public debt of the said Federal Dominion, and the interest from time to time accruing due thereon, and for the purpose of exercising and carrying into execution any of the powers hereinafter enumerated, and for the maintenance of the Federal Judiciary hereinafter mentioned :

Loans.

ii. To borrow money on the credit of the Federal Dominion of Australasia for any of the purposes aforesaid :

Defence.

iii. To raise and maintain Military and Naval Forces, and otherwise to provide for the defence of the Federal Dominion of Australasia :

Post and Tele-
graph.

iv. To provide for Postal and Telegraph Services throughout the Federal Dominion of Australasia :

Commerce and
Trade.

v. To regulate Commerce and Trade with other Countries and among the several Provinces :

Coin Money.

vi. To coin Money, and to regulate the value thereof, and to provide for the punishment of counterfeiting any coin current in the Federal Dominion of Australasia, and for counterfeiting the Securities of the Federal Dominion of Australasia :

Weights and
Measures.

vii. To fix a standard of Weights and Measures for the Federal Dominion of Australasia :

Piracies and
Felonies.

viii. To define and punish Piracies and Felonies on the high seas, and offences against the Laws of Nations :

Immigration.

ix. To regulate the immigration of Aliens into any part of the Federal Dominion of Australasia :

- x. To make an uniform law for the naturalization of Aliens throughout the Federal Dominion of Australasia : Aliens.
- xi. To make an uniform law on the subject of Bankruptcy throughout the Federal Dominion of Australasia : Bankruptcy.
- xii. To make an uniform law regulating Marriage and Divorce throughout the Federal Dominion of Australasia : Marriage and Divorce.
- xiii. To make an uniform law regulating Patents of Inventions and Discovery and Copyrights throughout the Federal Dominion of Australasia : Patents and Copyrights.
- xiv. To make an uniform law throughout the Federal Dominion of Australasia in regard to Navigation and Shipping and Quarantine, and to establish and maintain Marine Hospitals : Navigation and Quarantine.
- xv. To make an uniform law in regard to Bills of Exchange and Promissory Notes throughout the Federal Dominion of Australasia : Bills of Exchange, &c.
- xvi. To provide for taking a Census at stated periods of the inhabitants of the Federal Dominion of Australasia : Census.
- xvii. To provide for the collection and publication of the Statistics of the Federal Dominion of Australasia : Statistics.
- xviii. To declare and regulate the rights and status of Corporations and Joint Stock Companies in Provinces other than that in which they have been constituted : Foreign Companies.
- xix. To provide for the enforcement of Criminal Process beyond the limits of the Province in which it is issued, and the extradition of offenders, including deserters of wives and children, and deserters from the Imperial Naval and Military Forces : Criminal Process.
- xx. To provide for the service of Civil Process of the Courts within the Federal Dominion of Australasia beyond the jurisdiction of the Province in which it is issued : Civil Process.
- xxi. To provide for the enforcement of Judgments of Courts of Law within the Federal Dominion of Australasia beyond the jurisdiction of the Province in which the same was issued : Judgments.
- xxii. To provide for the recognition in each Province of the Acts of the Parliament, the Public Records, and the Judicial Proceedings in the Courts of every other Province : Recognition of Acts, &c.
- xxiii. To divide any Province into two or more Provinces, and to admit the additional Province or Provinces so created into the Federal Dominion of Australasia : Division of Provinces.
- xxiv. To unite any portions of any two or more Provinces into a separate Province, and to admit such separate Province into the Federal Dominion of Australasia : Union of Provinces.
- xxv. To regulate the Fisheries in Australasian waters beyond territorial limits : Fisheries.
- xxvi. To regulate the affairs of the Federal Dominion of Australasia with the Islands of the Pacific : Islands of the Pacific.
- xxvii. To prevent the influx of Criminals : Criminals.
- xxviii. To legislate on any matter with respect to which the Parliaments of the several Provinces can legislate within their own limits, but which the Parliaments of any two or more Provinces may refer to the Federal Parliament for legislation thereon : Provided, that in every such case the Acts of the Federal Parliament shall extend only to those Provinces by whose Parliaments the matter shall have been so referred to it and such other Provinces as may afterwards adopt the same : Matters referred by Provincial Parliaments.

Exclusive area
for Seat of
Government.

xxix. To exercise exclusive legislation in all cases whatsoever over such area (not exceeding Ten miles square) as may by cession of any Province or Provinces, and the acceptance by the Federal Parliament, become the Seat of the Government of the Federal Dominion of Australasia, and to exercise like authority over all places purchased by consent of the Parliament of the Province in which the same shall be for the erection of forts, magazines, arsenals, dock-yards, and other necessary buildings or works :

General

xxx. To make all Laws which shall be necessary for carrying into execution the foregoing powers and all powers vested by this Act in the Governor-General or in the Federal Judicatory hereinafter mentioned.

Federal Parlia-
ment not to
establish, &c.
religion, &c.

46 The Federal Parliament shall not make any Law for the establishment or support of any religion, or for the purpose of giving any preferential recognition to any religion, or for prohibiting the free exercise of any religion.

Nor divide any
Province without
consent.

47 The Federal Parliament shall not divide any Province without the consent of the Parliament thereof, or unite any portion of any Province with any portion of any other Province without the consent of the respective Parliaments of the Provinces concerned ; and no new Province shall be formed within the jurisdiction of another Province.

Federal Parlia-
ment may
establish new
Provinces.

48 The Federal Parliament may, from time to time, establish and admit to representation in the Federal Parliament a new Province or Provinces in any territory forming part of the Federal Dominion of Australasia, but not included in any Province thereof, and may, at the time of establishing any new Province or Provinces, confer on such new Province or Provinces such Constitution or Constitutions as the Federal Parliament, subject to the provisions of this Act, may deem expedient.

And alter limits
of any Province.

49 The Federal Parliament may from time to time, with the consent of the Parliament of any Province of the Federal Dominion, increase, diminish, or otherwise alter the limits of such Province, upon such terms and conditions as may be agreed to by the said Parliament, and may, with the like consent, make provision respecting the effect and operation of any such increase or diminution or alteration of territory in relation to any Province affected thereby.

And make laws
for outside
territory.

50 The Federal Parliament may from time to time make provision for the administration, peace, order, and good government of any territory not for the time being included in any Province.

Standing Rules
and Orders to be
made.

51 The Senate and House of Representatives from time to time as there may be occasion shall prepare and adopt such Standing Rules and Orders as shall appear to the said Senate and House of Assembly respectively best adapted—

- i. For the orderly conduct of the business of the Senate and House of Representatives respectively :
- ii. For the mode in which the Senate and House of Representatives shall confer, correspond, and communicate with each other relative to Votes or Bills passed by or pending in the Senate or House of Representatives respectively :
- iii. For the manner in which Notices of Bills, Resolutions, and other business intended to be submitted to the Senate

and House of Representatives respectively at any Session thereof may be published for general information :

- iv. For the manner in which Bills shall be introduced, passed, numbered, and intitled in the Senate and House of Representatives :
- v. For the proper presentation of any Bills passed by the Senate and House of Representatives to the Governor-General for his assent thereto : and
- vi. Generally for the conduct of all business and proceedings of the said Senate and House of Representatives severally and collectively :

All of which Rules and Orders shall by the Senate and House of Representatives respectively be laid before the Governor-General and being approved of by him shall become binding and of force.

Money Votes ; Royal Assent.

52 Every Bill for appropriating any part of the Public Revenue, or for imposing any tax or impost, shall originate in the House of Representatives, but may be amended or rejected by the Senate : Provided, that no amendment shall be made to any such Bill by the Senate which would have the effect of increasing any proposed expenditure, or tax, or impost.

Appropriation and Tax Bills.

53 It shall not be lawful for the House of Representatives to adopt or pass any Vote, Resolution, Address, or Bill for the appropriation of any part of the Public Revenue, or of any tax or impost, to any purpose that has not been first recommended to that House by Message of the Governor-General in the Session in which such Vote, Resolution, Address, or Bill is proposed.

Recommendation of money votes.

54 No preference shall be given by any law regulating commerce or providing revenue to the ports of one Province over those of another ; nor shall vessels bound to or from one Province be obliged to enter or clear or pay duties in another.

No preference by law to any Province.

55 All taxes, imposts, and excises levied by the Federal Parliament shall be uniform throughout the Federal Dominion of Australasia.

All Taxes to be uniform.

56 Every Bill passed by the Houses of the Federal Parliament shall be presented to the Governor-General, and he shall thereupon declare, according to his discretion, but subject to the provisions of this Act and to Her Majesty's Instructions, either that he assents thereto, or that he withholds his assent, or that he reserves the Bill for the signification of the Queen's pleasure ; and it shall be lawful for the Governor-General to return to the Houses of the Federal Parliament any Bill presented to him as aforesaid, and to transmit therewith any Amendments which he shall desire to be made in such Bill.

Assent to Bills by Governor-General.

57 Where the Governor-General assents to a Bill passed by the Houses of the Federal Parliament, he shall by the first convenient opportunity send an authentic copy of the Act to one of Her Majesty's Principal Secretaries of State ; and if the Queen in Council, within Two years after receipt thereof by the Secretary of State, thinks fit to disallow the Act, such disallowance (with a Certificate of the Secretary of State of the day on which the Act was received by him) being signified by the Governor-General, by speech or message to each of the Houses of the Federal Parliament or by Proclamation, shall annul the Act from and after the day of such signification.

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

Signification of
Queen's pleasure
on Bill reserved.

58 A Bill reserved for the signification of the Queen's pleasure shall not have any force unless and until, within Two years from the day on which it was presented to the Governor-General for his Assent, the Governor-General signifies, by speech or message to each of the Houses of the Federal Parliament or by Proclamation, that it has received the assent of the Queen in Council.

An entry of every such speech, message, or proclamation shall be made in the Journal of each House, and a duplicate thereof duly attested shall be delivered to the proper Officer to be kept among the Records of the Federal Dominion of Australasia.

V.—FEDERAL JUDICATORY.

Judicial power
vested.

59 The Judicial power of the Federal Dominion of Australasia shall be vested in one Supreme Court, and in such Inferior Courts as the Federal Parliament may from time to time create and establish.

Tenure of Judges
and salary.

60 The Judges of both the Supreme and Inferior Courts shall hold their offices during good behaviour, and shall receive such salaries as shall from time to time be fixed by the Federal Parliament; but the salary paid to any such Judge shall not be diminished during his continuance in office.

Appointment and
removal of
Judges.

61 The Judges of the Supreme Court, and of such Inferior Courts as the Federal Parliament shall from time to time establish, shall be appointed, and may be removed or suspended, by the Governor-General by and with the advice of the Federal Executive Council; but it shall not be lawful for the Governor-General to remove or suspend any Judge of the Supreme Court or any Judge of any such Inferior Court as aforesaid without an Address from both Houses of the Federal Parliament recommending such removal or suspension.

Extent of Judicial
power.

62 The Judicial power of the Federal Dominion of Australasia shall extend—

- i. To all cases in Law and Equity arising under this Act:
- ii. To all cases arising under any Laws made by the Federal Parliament, or under any Treaty made by the Federal Dominion of Australasia with any other Country:
- iii. To all cases of Admiralty and Maritime jurisdiction:
- iv. To all cases affecting the Public Ministers, or other accredited representatives of other Countries, and Consuls:
- v. To all cases in which the Federal Dominion of Australasia shall be a party:
- vi. To disputes or controversies between two or more Provinces
- vii. To disputes and controversies between residents of different Provinces:
- viii. To disputes and controversies relating to land or other property claimed under the laws of different Provinces, or any right, franchise, or privilege so claimed.

But nothing hereinbefore contained shall be construed to extend the judicial power of the Federal Dominion of Australasia to any suit in law or equity commenced or prosecuted against any Province by any person whatsoever.

Supreme Court to
have original
jurisdiction in
certain cases.

63 In all cases affecting Public Ministers, or other accredited Representatives of other Countries, and Consuls, and in all cases in which a Province shall be a party, or in which a Writ of Mandamus or Prohibition shall be sought against a Minister of the Crown for

the Federal Dominion of Australasia, the Supreme Court shall have original jurisdiction.

64 In all cases other than those mentioned in the immediately preceding section the Supreme Court shall have appellate jurisdiction both as to law and fact, with such exceptions and under such regulations as the Federal Parliament shall authorise.

In all other cases Supreme Court to have appellate jurisdiction.

The Supreme Court shall also have jurisdiction, with such exceptions and subject to such regulations as the Federal Parliament shall prescribe, to hear and determine appeals from all final judgments, decrees, and orders of the highest Court of final resort now established in any of the said Colonies, or of the highest Court of final resort which may hereafter be established in any Province of the Federal Dominion of Australasia, whether such Court is or shall be a Court of appeal or of original jurisdiction; and the Judgment of the Supreme Court shall in all cases be final and conclusive; and no appeal shall be brought from any Judgment or Order of the Supreme Court to any Court of appeal established by the Parliament of Great Britain and Ireland by which appeals or petitions to Her Majesty in Council may be ordered to be heard.

Supreme Court to hear appeals from Courts of final resort in Provinces.

65 The trial of all crimes cognisable by any Court established under the authority of this Act shall be by Jury, and every such trial shall be held in the Province where the crime has been committed, and when not committed within any Province the trial shall be held at such place or places as the Federal Parliament may by law direct.

Trial of crimes by Jury, &c.

66 Upon the establishment by the Federal Parliament of a Supreme Court for the Federal Dominion of Australasia, all appeals which by any Law are now allowed from any judgment, decree, order, or sentence of the Supreme Court of any of the said Colonies to the Queen's Privy Council shall be heard and determined by the said Supreme Court of the Federal Dominion of Australasia; and the Judgment of the last-mentioned Court shall in all such appeals be final and conclusive.

Cessation of appeal to Privy Council.

VI.—PROVINCIAL CONSTITUTIONS.

(1.)—*Executive Power.*

67 In each Province of the Federal Dominion of Australasia there shall be a Governor, who shall be chosen by the Houses of the Parliament of the Province for a period of Six years.

Election of Governors of Provinces.

68 Every Governor of a Province shall, before assuming the duties of his office, make and subscribe before a Judge of the Supreme Court of the Province Oaths of Allegiance and Office similar to those taken by the Governor-General.

Oaths, &c. of Governor.

69 The Governor of each Province shall be paid and receive such salary as the Parliament of the Province shall from time to time authorise; but the amount of salary authorised by the Parliament of any Province to be paid to any Governor thereof shall not be increased or diminished during his term of office.

Salary of Governor.

70 The provisions of this Act referring to the Governor of a Province extend and apply to the Governor for the time being of each Province, or other the Chief Executive Officer or Administrator for the time being carrying on the Government of the Province, by whatever title he is designated.

Application of provisions referring to Governor.

Executive Government of Province.

71 The constitution of the Executive Authority in each of the Provinces shall, subject to the provisions of this Act, continue as it exists at the Federation until altered under the authority of this Act.

Powers to be exercised by Governors of Provinces with advice or alone.

72 All powers, authorities, and functions which under any Act of the Parliament of Great Britain, or of the Parliament of the United Kingdom of Great Britain and Ireland, or of the Parliament of any of the said Colonies, were or are before or at the date of the Federation vested in or exerciseable by the respective Governors of the said Colonies, with the advice, or with the advice and consent of the respective Executive Councils thereof, or in conjunction with those Councils, or with any number of Members thereof, or by those Governors individually, shall, as far as the same are capable of being exercised after the Federation in relation to the Government of the Provinces respectively, be vested in and shall or may be exercised by the Governors of the Provinces respectively, with the advice or with the advice and consent of or in conjunction with the respective Executive Councils, or any Members thereof, or by the Governor individually, as the case requires: Provided always, that all such powers, authorities, and functions as aforesaid, or any of them, may be abolished or altered by the respective Parliaments of the Provinces, subject, nevertheless, to the right of Her Majesty to disallow any Act of the Parliament of any Province abolishing or altering any of the powers, authorities, and functions aforesaid.

Governor not to assent to certain Bills.

73 The Governor of a Province shall not assent to any Bill the object whereof is not clearly expressed in the title thereof, or in which there shall be included any clause or provision foreign to what the title of such Bill imports.

(2.)—Legislative Power.

Continuance of powers of present Parliaments.

74 All powers which before the date of the Federation were vested in the Parliaments of the several Provinces, and which are not by this Act transferred or delegated to the Federal Parliament, or which are not included in any of the powers which the Parliaments of the several Provinces are hereby prohibited to exercise, shall remain vested in such Parliaments respectively.

Times, &c. for election of Senators, &c.

75 The times, places, and manner of holding elections of Senators and Members of the House of Representatives shall be prescribed and regulated in each Province by the Parliament thereof; but the Federal Parliament may at any time make an uniform Law regulating such elections, except as to the place of choosing Senators.

Provincial Parliaments may amend Constitution.

76 The Parliament of any Province may, from time to time, subject to the provisions of this Act, alter and amend the Constitution of such Province.

Any Province may cede any of its Territory.

77 The Parliament of any Province may at any time cede any portion of the Province to the Federal Dominion of Australasia, and thereupon such portion of the Province shall become a Territory of the Federal Dominion of Australasia and be subject to the exclusive jurisdiction of the Federal Parliament.

Provinces not to levy Taxes, &c., except, &c. ;

78 No Province shall, without the consent of the Federal Parliament, lay any taxes or duties on imports or exports, except what may be absolutely necessary for executing the inspection laws of the Province; and the net produce of all taxes and duties laid by any

Province on imports or exports shall be for the use of the Federal Dominion of Australasia ; and all such inspection laws as aforesaid shall be subject to revision and control by the Federal Parliament.

79 No Province shall, without the consent of the Federal Parliament, lay any duty of Tonnage, or raise or maintain any military or naval force in time of peace, or impose any tax on any land or other property belonging to the Federal Dominion of Australasia. Nor duty of Tonnage, &c. ;

80 No Province shall coin money, or emit bills of credit, or make anything but gold and silver coin a legal tender in payment of debts. Nor coin money, &c. ;

81 No Province shall make any law prohibiting the free exercise of any religion. Nor prohibit any religion.

VII.—MISCELLANEOUS.

82 The public works and property of each Colony enumerated in the Third Schedule to this Act shall be the property of the Federal Dominion of Australasia. Transfer of property. Third Schedule.

83 The Federal Dominion shall be liable for the debts and liabilities of each Colony existing at the date of the federation. Federal Dominion liable to debts.

84 The Customs Duties and Excise Laws of each Province shall, subject to the provisions of this Act, continue in force until altered by the Federal Parliament ; but all moneys collected, received, or recovered under such Laws shall form one Consolidated Revenue Fund, to be appropriated by the Federal Parliament for the Public Service of the Federal Dominion of Australasia in accordance with the provisions of this Act. Customs Duties and Excise Laws continued.

85 The Consolidated Revenue Fund of the Federal Dominion of Australasia shall be permanently charged with the costs, charges, and expenses incident to the collection, management, and receipt thereof, and the same shall form the first charge thereon, subject to be reviewed and audited in such manner as shall be ordered by the Governor-General in Council until the Federal Parliament otherwise provides. Expenses of collection.

86 Unless altered by the Federal Parliament, the salary of the Governor-General shall be Ten thousand Pounds sterling money of the United Kingdom of Great Britain and Ireland, payable out of the Consolidated Revenue Fund of the Federal Dominion, and the same shall form a second charge thereon. Salary of Governor-General.

87 Until the Federal Parliament otherwise provides, all Officers of the several Provinces having duties to discharge in relation to any matter hereby placed under the jurisdiction of the Federal Parliament shall be Officers of the Federal Dominion of Australasia, and shall continue to discharge the duties of their respective offices under the same liabilities, responsibilities, and penalties as if the said Federal Dominion had not been established. Transfer of Officers.

88 Until the Federal Parliament otherwise provides, the Governor-General in Council may from time to time appoint such Officers as he deems necessary or proper for the effectual execution of this Act. Appointment of new Officers.

89 No Member of the Parliament of any Province shall be a Member of the Federal Parliament. Disqualifying Members of Provincial Parliament.

Disqualifying
contractors and
persons interested
in contracts.

90 Any person who shall directly or indirectly himself, or by any person whomsoever in trust for him, or for his use or benefit, or on his account, undertake, execute, hold, enjoy, in the whole or in part, any contract or agreement for or on account of the Public Service of the Federal Dominion of Australasia, shall be incapable of being elected, or of sitting or voting, as a Member of the Senate or House of Representatives during the time he shall execute, hold, or enjoy any such contract, or any part or share thereof, or any benefit or emolument arising from the same; and if any person, being a Member of the Senate or said House, shall enter into any such contract or agreement, or having entered into it shall continue to hold it, his seat shall be declared by the Senate or said House, as the case may require, to be void, and thereupon the same shall become and be void accordingly:

Proviso exempt-
ing member of
Trading
Companies.

Provided always, that nothing herein contained shall extend to any contract or agreement made, entered into, or accepted by any incorporated company consisting of more than Twenty persons where such agreement shall be made, entered into, or accepted for the general benefit of such incorporated or trading company.

Seat become
vacant on
accepting office
of profit.

91 If any Member of the Senate or of the House of Representatives shall accept any office of profit under the Crown, or any pension payable out of any of the revenues of the Federal Dominion of Australasia during the pleasure of the Crown, or otherwise, his seat shall thereupon become vacant.

This Act and all
Laws, &c., bind-
ing.

92 This Act, and all Laws made by the Federal Parliament in pursuance of the powers conferred by this Act, and all Treaties which shall be made by the Federal Dominion of Australasia, shall be binding on the Courts, Judges, and people of every Province, anything in the Laws made by the Parliament of any Province to the contrary notwithstanding; and every law made by the Parliament of any Province which shall be in any respect repugnant to the provisions of this Act or to the provisions of any Act of the Federal Parliament, or to any such Treaty as aforesaid, shall, to the extent of such repugnancy, be void and inoperative.

Act may be
amended.

93 This Act may at any time be amended by the Federal Parliament, but no amendment made by the Federal Parliament shall have any force or effect until it has been confirmed by the Parliaments of not less than two-thirds of the Provinces included in the Federal Dominion of Australasia at the time such Amendment is made.

Colonies may be
admitted into
Dominion by
Order in Council.

94 It shall be lawful for the Queen, by and with the advice of Her Majesty's Most Honourable Privy Council, on Address from the Houses of the Federal Parliament, and from the Houses of the Parliament of any other Australasian Colony, to admit such Colony into the Federal Dominion of Australasia, on such terms and conditions as the Queen thinks fit to approve, subject to the provisions of this Act; and any Order in Council made under the authority hereby given shall have the same effect as if it had been enacted by the Parliament of the United Kingdom of Great Britain and Ireland.

Repeal of
48 & 49 Vict.,
Chap. 60.

95 "The Federal Council of Australasia Act, 1885," is hereby repealed, but such repeal shall not affect any Laws passed by the Federal Council of Australasia and in force on the day on which this Act comes into operation.

Federal Council
Acts may be
amended, &c.

96 The Federal Parliament may from time to time amend, or may at any time repeal any Act passed by the Federal Council of Australasia and in force on the day on which this Act comes into operation.

SCHEDULES.

THE FIRST SCHEDULE.

Sect. 15.

OATH OF ALLEGIANCE.

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.

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, with proper terms of reference thereto.

THE SECOND SCHEDULE.

Sect. 31.

1. Federal Electoral Districts of the Province of New South Wales.

2. Federal Electoral Districts of the Province of Victoria.

3. Federal Electoral Districts of the Province of Queensland.

4. Federal Electoral Districts of the Province of South Australia.

5. Federal Electoral Districts of the Province of Tasmania.

6. Federal Electoral Districts of the Province of Western Australia.

THE THIRD SCHEDULE.

Sect. 82.

PROPERTY OF EACH COLONY TO BE THE PROPERTY OF
THE FEDERAL DOMINION OF AUSTRALASIA.

1. Customs houses and sheds, and all vessels used in connection with the collection of Customs Duties.
2. Post offices.
3. Telegraph offices and telegraph poles, wires, and all telegraphic machinery and apparatus used therewith.
4. Vessels of war, batteries, and other defence works.
5. Armouries, magazines, drill-sheds, military clothing and stores, munitions of war, and all land and buildings used or set apart for military or defence purposes.
6. Lighthouses.
7. All property transferred to any of the said Colonies by the Imperial Government, and known as "Ordnance Property."