



ANNO SEPTIMO

GEORGI VI REGIS.

A.D. 1943.

No. 3 of 1943.

An Act to refer certain matters to the Parliament of the Commonwealth until the expiration of five years after Australia ceases to be engaged in hostilities in the present war.

[Assented to 5th August, 1943.]

Preamble.

WHEREAS it is enacted by the Constitution of the Commonwealth of Australia that the Parliament of the Commonwealth shall subject to the Constitution have power to make laws for the peace, order and good government of the Commonwealth with respect to 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 States by whose Parliaments the matter is referred, or which afterwards adopt the law :

AND WHEREAS at a Convention of representatives of the Commonwealth Government and of His Majesty's Opposition in the Parliament of the Commonwealth, and the Premiers and Leaders of the Opposition in the several States, which was convened to meet at Canberra on the twenty-fourth day of November, one thousand nine hundred and forty-two, it was unanimously resolved that adequate powers to make laws in relation to post-war reconstruction should be referred to the Parliament of the Commonwealth by the Parliaments of the States :

AND WHEREAS it was further resolved that the reference should be for a period ending at the expiration of five years after Australia ceases to be engaged in hostilities in the present war :

AND WHEREAS it was also resolved that it was desirable that the reference should not be revoked during that period :

AND WHEREAS the Premiers of the several States have agreed to do their utmost to secure the passage through their respective Parliaments, as early as possible, of a Bill in this form, and in any event to introduce the Bill before the thirty-first day of January, one thousand nine hundred and forty-three :

AND WHEREAS it was also agreed that in the execution of laws made by the Parliament of the Commonwealth with respect to matters referred to it by section two of this Act the Commonwealth should, so far as might be reasonably practicable, avail itself of the assistance of the States and their officers, authorities and instrumentalities, and, with the consent of the Governor in Council, of any authority constituted under a law of a State :

BE IT THEREFORE ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :—

1. This Act may be cited as the “ Commonwealth Powers Act, 1943 ”. Short title.

2. The following matters are hereby referred to the Parliament of the Commonwealth, that is to say— Reference of matters to Parliament of Commonwealth.

- (a) the reinstatement and advancement of those who have been members of the fighting services of the Commonwealth during any war and the advancement of the dependants of those members who have died or been disabled as a consequence of any war ;
- (b) the employment of unemployed persons on national works, public works, and local government works, and the relief of unemployed persons by grants and loans of money and goods and by unemployment insurance and occupational training ;
- (c) organized marketing of commodities of which there is normally a surplus exported from the Commonwealth ;
- (d) the regulation and control of prices in connection with transactions occurring within three years after the cessation of hostilities, but so that no law made under this paragraph shall come into force until approved by the Governor in Council

- (e) the encouragement of production and of the establishment of new industries and the continuance by the Commonwealth of the industries being carried on by the Commonwealth at the time of the cessation of hostilities, but so that no law made under this paragraph shall discriminate between States or parts of States ;
- (f) the control by the Commonwealth Bank of the rate of overseas exchange and of rates of interest ;
- (g) the regulation of air transport ;
- (h) the conversion of any railways of the State to a uniform Australian gauge on terms approved by the Parliament of the State ;
- (i) national works, but so that the consent of the Governor in Council shall be obtained in each case before the work is undertaken and that the work shall be carried out in co-operation with the State ;
- (j) national health, but so that no law made under this paragraph shall come into force until approved by the Governor in Council ;
- (k) family allowances ; and
- (l) the people of the aboriginal race.

Act not to be repealed or amended without approval of electors.

3. (1) This Act shall not be repealed or amended except in the manner provided in this section.

(2) A Bill for repealing or amending this Act shall not be presented to the Governor for His Majesty's assent until the Bill has been approved by the electors in accordance with this section.

(3) On a day to be appointed by the Governor in Council, but not sooner than three months after the passage of the Bill through both Houses of Parliament, the Bill shall be submitted to the electors qualified to vote for the election of members of the House of Assembly.

(4) When the Bill is submitted to the electors, the vote shall be taken in such manner as Parliament provides.

(5) If a majority of the electors voting approve the Bill, it shall be presented to the Governor for His Majesty's assent.

4. (1) Section 2 of this Act is not intended to refer permanently to the Parliament of the Commonwealth the matters therein mentioned, and therefore section 5 of this Act shall not be severable from section 2 of this Act; and if section 5 of this Act or any provision of that section is beyond the power of the Parliament of the State, section 2 of this Act shall be void.

Non-severability of certain provisions.

(2) If any restriction, limitation, or condition applying to any matter referred to the Parliament of the Commonwealth by section 2 of this Act is beyond the power of the Parliament of the State, the reference of that matter to the Commonwealth shall be void.

5. (1) This Act, and the reference made by this Act, shall commence on the date upon which this Act is assented to, and shall continue in force for a period ending at the expiration of five years after Australia ceases to be engaged in hostilities in the present war and no longer; and no law made by the Parliament of the Commonwealth with respect to matters referred to it by this Act shall continue to have any force or effect, by virtue of this Act or the reference made by this Act, after the expiration of that period.

Duration of Act.

(2) For the purposes of this Act, Australia shall cease to be engaged in hostilities on the day on which by reason of a general armistice or other arrangements all warlike operations against Germany, Italy, and Japan in the present war shall have ceased.

In the name and on behalf of His Majesty, and by virtue of instructions received by me from His Majesty pursuant to the Australian States Constitution Act, 1907, I hereby assent to this Bill.

C. M. BARCLAY-HARVEY, Governor.