

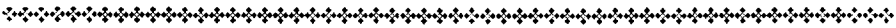


CONSTITUTIONAL POWERS (TASMANIA)

No. 70 of 1979

TABLE OF PROVISIONS

- 1. Short title.
- 2. Request for enactment of Commonwealth Act.
 Schedule 1—An Act to remove certain restrictions on the exercise of legislative power by the Parliament of Tasmania.



AN ACT to request the Parliament of the Commonwealth to enact an Act to remove certain restrictions on the exercise of legislative power by the Parliament of Tasmania.

[Royal Assent 14 December 1979]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

1—This Act may be cited as the *Constitutional Powers* Short title. *(Tasmania) Act 1979.*

Request for
enactment of
Commonwealth
Act.

2—The Parliament of Tasmania requests the enactment by the Parliament of the Commonwealth of an Act in, or substantially in, the terms set out in Schedule 1.

SCHEDULE 1

Section 2

AN ACT to remove certain restrictions on the exercise of legislative power by the Parliament of Tasmania.

WHEREAS the Parliament of Tasmania has, by the *Constitutional Powers (Tasmania) Act 1979* of that Parliament, requested the Parliament of the Commonwealth to enact an Act in, or substantially in, the terms of this Act: Preamble.

BE IT THEREFORE ENACTED by the Queen, and the Senate and House of Representatives of the Commonwealth of Australia, as follows:—

1. This Act may be cited as the *State Powers (Tasmania) Act 1979*. Short title.

2. This Act shall come into operation on the day on which it receives the Royal Assent. Commencement.

3. In this Act—

Interpretation.

“the Colonial Laws Validity Act” means the Act of the Parliament of the United Kingdom known as The Colonial Laws Validity Act, 1865;

“Parliament of the United Kingdom” includes any Parliament that at any time has or had general power to enact laws having force in England.

4. (1) Notwithstanding sections 2 and 3 of the Colonial Laws Validity Act and any rule or principle of the common law but subject to this section, no law and no provision of any law made after the commencement of this Act by the Parliament of Tasmania shall be void or inoperative on the ground that, or be affected in its operation by reason that, it is repugnant to the provisions of any existing or future Act of the Parliament of the United Kingdom, or to any order, rule or regulation made under any such Act, and the powers of the Parliament of Tasmania shall include the power to repeal or amend any such Act, order, rule or regulation in so far as the same is part of the law of the State of Tasmania. State laws repugnant to Imperial Acts or law of England.

(2) Sub-section (1) of this section does not affect the continued operation of section 3 of the Colonial Laws Validity Act in so far as that section has the effect that a law of the State of Tasmania is not to be or to be deemed to have been void or inoperative on the ground of repugnancy to the law of England other than repugnancy of the kind referred to in sub-section (1) of this section.

(3) Sub-section (1) of this section does not operate so as to give any force or effect to—

- (a) a provision of an Act of the Parliament of Tasmania that would abrogate or affect the operation of section 5 of the Colonial Laws Validity Act in so far as that section requires an Act of Parliament of Tasmania respecting the constitution, powers or procedure of that Parliament to be passed in such manner and form as may from time to time be required by any Act of that Parliament for the time being in force in the State of Tasmania; or
- (b) a provision of an Act of the Parliament of Tasmania that would repeal or amend, or be repugnant to, the Commonwealth of Australia Constitution Act, the Constitution of the Commonwealth or the Act of the Parliament of the United Kingdom known as the Statute of Westminster, 1931.