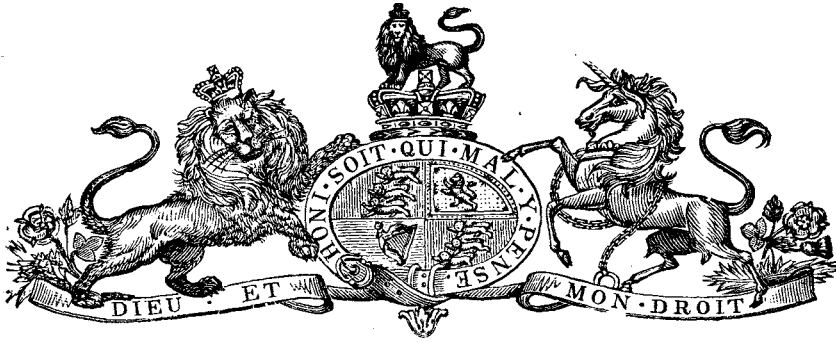


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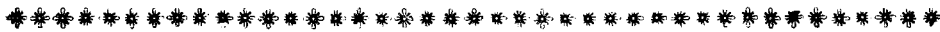


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ANNO SEXAGESIMO-TERTIO

VICTORIÆ REGINÆ,

No. 1.



AN ACT to amend "The *Australasian* Federation Enabling Act (*Tasmania*)." A.D. 1899.

[11 July, 1899.]

WHEREAS, pursuant to "The *Australasian* Federation Enabling Act (*Tasmania*)," hereinafter referred to as the Principal Act, a Federal Constitution for *Australasia*, hereinafter referred to as the Constitution, was framed by the *Australasian* Federal Convention, and was finally adopted at *Melbourne* on the Sixteenth day of *March*, One thousand eight hundred and ninety-eight :

PREAMBLE.
59 Vict. No. 57.

And whereas the Constitution was afterwards submitted to the Electors in *New South Wales*, *Victoria*, *South Australia*, and *Tasmania*, and in all these colonies was accepted by majorities of the Electors voting, but in *New South Wales* the number of votes for the acceptance of the Constitution did not when first submitted reach the required minimum :

And whereas on the Twentieth day of *June* in the present year the Constitution, as proposed to be amended in the particulars appearing in the Schedule to this Act, was again submitted to the Electors in *New South Wales*, and accepted by a majority of the Electors voting, no minimum being required :

And whereas it is now proposed that the Constitution should be amended in the particulars appearing in the Schedule to this Act, and as so amended should be submitted to the Electors, and if accepted by majorities of the Electors voting, should afterwards be capable of being transmitted by both Houses of Parliament to the Queen for enactment by the Imperial Parliament of *Great Britain* and *Ireland* :

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- A.D. 1899. — Be it therefore 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 :—
- Short title. **1** This Act may be cited as “The Australasian Federation Enabling Act, 1899.”
- Incorporation. **2** This Act shall be incorporated with the Principal Act, and, except so far as inconsistent with this Act or inapplicable thereto, the provisions of the Principal Act relating to the submission of the Constitution to the Electors and its transmission to the Queen for legislative enactment by the Imperial Parliament shall, *mutatis mutandis*, apply to the Constitution as proposed to be amended, in the particulars appearing in the Schedule to this Act, and all Regulations made under the Principal Act shall, except where inconsistent herewith, be continued and be deemed to be in force for the purposes of this Act.
- Amended Constitution may be submitted to Electors and transmitted for enactment. **3** The Constitution as proposed to be amended in the particulars appearing in the Schedule to this Act shall—
- I. At such time as may be fixed by the Governor by Proclamation be submitted to the Electors for the House of Assembly in *Tasmania* for acceptance or rejection by direct vote; and,
 - II. If accepted by a majority of the Electors voting, may afterwards be transmitted by both Houses of Parliament to the Queen for legislative enactment by the Imperial Parliament.
- Form of question. **4** The question to be proposed in the Ballot-paper shall be—
“Are you in favour of the proposed Federal Constitution Bill as amended?”
-

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A.D. 1899.

SCHEDULE.

AMENDMENTS OF THE CONSTITUTION AGREED TO AT A CONFERENCE OF THE PRIME MINISTERS OF VICTORIA, NEW SOUTH WALES, QUEENSLAND, SOUTH AUSTRALIA, TASMANIA, AND WESTERN AUSTRALIA, WHICH SAT AT MELBOURNE ON THE 28TH, 30TH, AND 31ST JANUARY, AND THE 1ST, 2ND, AND 3RD FEBRUARY, 1899. Section 2.

The words in brackets [] are those proposed to be left out in the Constitution; the words in black type are proposed to be added to the Constitution.

PART II.—THE SENATE.

Substitute for Clause Seven the following New Clause:—

7 The Senate shall be composed of Senators for each State, directly chosen by the people of the State, voting, until the Parliament otherwise provides, as one electorate. The Senate.

But until the Parliament of the Commonwealth otherwise provides, the Parliament of the State of Queensland, if that State be an original State, may make laws dividing the State into divisions and determining the number of Senators to be chosen for each division, and in the absence of such provision the State shall be one electorate.

Until the Parliament otherwise provides there shall be six Senators for each Original State. The Parliament may make laws increasing or diminishing the number of Senators for each State, but so that equal representation of the several Original States shall be maintained and that no Original State shall have less than Six Senators.

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

Substitute for Clause Fifty-seven the following Clause:—

“**57** If the House of Representatives passes any proposed law, and the Senate rejects or fails to pass it, or passes it with Amendments to which the House of Representatives will not agree, and if after an interval of Three months the House of Representatives, in the same or the next Session, again passes the proposed law with or without any Amendments which have been made, suggested, or agreed to by the Senate, and the Senate rejects or fails to pass it, or passes it with Amendments to which the House of Representatives will not agree, the Governor-General may dissolve the Senate and the House of Representatives simultaneously. But such dissolution shall not take place within Six months before the date of the expiry of the House of Representatives by effluxion of time.” Disagreement between the Houses.

If after such dissolution the House of Representatives again passes the proposed law with or without any Amendments which have been made, suggested, or agreed to by the Senate, and the Senate rejects or fails to pass it, or passes it with Amendments to which the House of Representatives will not agree, the Governor-General may convene a joint sitting of the Members of the Senate and of the House of Representatives.

The Members present at the joint sitting may deliberate and shall vote together upon the proposed law as last proposed by the House of Representatives, and upon Amendments, if any, which have been made therein by One House and not agreed to by the other, and any such Amendments which are affirmed by an absolute majority of the total number of the Members of the Senate and House of Representatives [Three-fifths of the Members present and voting thereon], shall be taken to have been carried, and if the proposed law, with the Amendments, if any, so carried is affirmed by an absolute majority of the total number of the Members of the Senate and House of Representatives [Three-fifths of the Members present and voting thereon], it shall be taken to have been duly passed by both Houses of the Parliament, and shall be presented to the Governor-General for the Queen's assent.

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A.D. 1899.

Substitute for Clause Eighty-seven the following Clause:—

87 During a period of Ten years after the establishment of the Commonwealth and thereafter until the Parliament otherwise provides of the net Revenue of the Commonwealth from Duties of Customs and of Excise, not more than One-fourth shall be applied annually by the Commonwealth towards its Expenditure.

The balance shall, in accordance with this Constitution, be paid to the Several States, or applied towards the payment of Interest on Debts of the Several States taken over by the Commonwealth.

Add, to follow Clause Ninety-five, the following New Clause:—

During a period of Ten years after the establishment of the Commonwealth and thereafter until the Parliament otherwise provides, the Parliament may grant financial assistance to any State on such terms and conditions as the Parliament thinks fit.

Substitute for Clause One hundred and twenty-two the following New Clause:—

New States may be admitted or established.

122 The Parliament of the Commonwealth may, with the consent of the Parliament of a State, and the approval of the majority of the electors of the State voting upon the question, increase, diminish, or otherwise alter the limits of the States, upon such terms and conditions as may be agreed on, 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."

Substitute for Clause One hundred and twenty-four—

Seat of Government.

[124 The seat of Government of the Commonwealth shall be determined by the Parliament and shall be within territory vested in the Commonwealth.

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 among the Governors, as the Governor-General shall direct.]

the following New Clause:—

124 The seat of Government of the Commonwealth shall be determined by the Parliament, and shall be within territory which shall have been granted to or acquired by the Commonwealth, and shall be vested in and belong to the Commonwealth, and if New South Wales be an Original State shall be in that State and be distant not less than One hundred miles from Sydney.

Such territory shall contain an area of not less than One hundred square miles, and such portion thereof as shall consist of Crown Lands shall be granted to the Commonwealth without any payment therefor.

If Victoria be an Original State the Parliament shall sit at Melbourne until it meets at the seat of Government.

ALTERATION OF THE CONSTITUTION.

Substitute for Clause One hundred and twenty-seven the following New Clause:—

Mode of altering the Constitution.

127 This Constitution shall not be altered, except in the following manner—

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

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But if either House passes any such proposed law by an absolute majority and the other House rejects or fails to pass it or passes it with any Amendment to which the first-mentioned House will not agree, and if, after an interval of Three months, the first-mentioned House, in the same or the next Session, again passes the proposed law by an absolute majority, with or without any Amendment which has been made or agreed to by the other House, and such other House rejects or fails to pass it, or passes it with any Amendment to which the first-mentioned House will not agree, the Governor-General may submit the proposed law as last proposed by the first-mentioned House, and either with or without any Amendments subsequently agreed to by both Houses, to the electors in each State qualified to vote for the election of the House of Representatives. A.D. 1899.

When a proposed law is submitted to the electors the vote shall be taken in such a manner as the Parliament prescribes. But until the qualification of electors of Members of the House of Representatives becomes uniform throughout the Commonwealth only one-half the electors voting for and against the proposed law shall be counted in any State in which adult suffrage prevails.

And if in a majority of the States a majority of the electors voting approve the proposed law, and if a majority of all the electors voting also approve the proposed law, it shall be presented to the Governor-General for the Queen's assent.

[An] No alteration diminishing 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, or increasing, diminishing, or otherwise altering the limits of the State, or in any manner affecting the provisions of the Constitution in relation thereto, shall [not] become law unless the majority of the electors voting in that State approve the proposed law.

