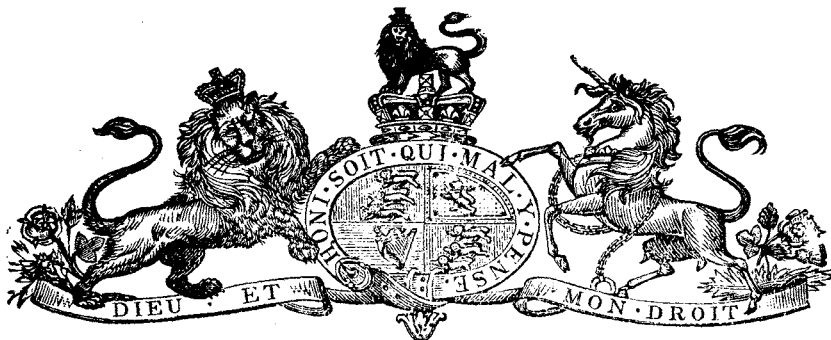


T A S M A N I A.

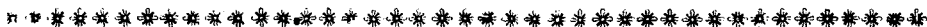


1896.

ANNO QUINQUAGESIMO-NONO

VICTORIÆ REGINÆ,

No. 57.



AN ACT to enable *Tasmania* to take part in A.D. 1896.  
the framing, acceptance, and enactment of  
a Federal Constitution for *Australasia*.

[10 *January*, 1896.]

WHEREAS it is proposed that legislative provision shall be made PREAMBLE.  
by the *Australasian* Colonies for the framing, acceptance, and enact-  
ment of a Federal Constitution for *Australasia* :

And whereas it is desirable to enable *Tasmania* to take part in  
the framing, acceptance, and enactment of the said Constitution, and  
this Act is necessary for the purpose :

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 :—

1 This Act may be cited as “ The *Australasian* Federation Enabling Short title.  
Act (*Tasmania*).”

2 In this Act the following terms bear the meanings set opposite Interpretation.  
to them respectively :—

“ Colonies ”—The Colonies of *New South Wales*, *New Zealand*,  
*Queensland*, *Tasmania*, *Victoria*, and *Western Australia*

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and the Province of *South Australia*, including the *Northern Territory*.

“Constitution”—The Federal Constitution framed or accepted pursuant to this Act.

“Convention”—The Convention to which *Tasmanian* Representatives shall be elected under the provisions of this Act.

“*Tasmanian* Representatives”—The Representatives of *Tasmania* in the Convention.

“Governor”—The Governor with the advice of the Executive Council.

“Proclamation”—Proclamation by the Governor published in the *Government Gazette*.

“Prescribed”—Prescribed by Regulation made under this Act.

Chief objects.

**3** The chief objects of this Act are to provide as follows :—

- (1.) For the representation of the Colony of *Tasmania* at a Convention consisting of Representatives of each of the *Australasian* Colonies charged with the duty of framing a Federal Constitution for *Australasia* :
- (2.) For submitting the Constitution so framed to the electors for the House of Assembly in each Colony for acceptance or rejection by direct vote :
- (3.) For transmitting the Constitution for Legislative enactment by the Imperial Parliament.

Commencement.

**4** This Act shall come into operation on a day to be fixed by Proclamation, when two Colonies in addition to *Tasmania* have adopted legislation providing for the election of Representatives of such two Colonies at the Convention.

Parts.

**5** This Act is divided into Four Parts, as follows :—

Part I.—The Convention.

Part II.—The submission to the Electors.

Part III.—The transmission for Legislative Enactment.

Part IV.—Supplemental.

## PART I.

## THE CONVENTION.

Constitution of Convention.

**6** The Convention shall consist of Ten Representatives of each Colony represented.

Members.

**7** Every Member, and every person eligible for membership of either House of the *Tasmanian* Parliament, shall be eligible for membership of the Convention as a Representative of *Tasmania*.

Nomination of candidates.

**8** Any Ten or more electors duly qualified to vote at an election of a Member of the House of Assembly or at an election of a Member of the Legislative Council shall be entitled to nominate in the

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prescribed manner for election as a *Tasmanian* Representative at the Convention any eligible person, whose consent in writing shall accompany such nomination. A.D. 1896.

**9** The Governor shall appoint a Returning Officer to conduct the election of the *Tasmanian* Representatives in accordance with the provisions of this Act, and such Returning Officer shall, within Seven days after the period for receiving the nomination of candidates has expired, cause a list of the persons nominated, with their residences and occupations, in the alphabetical order of their surnames, to be published not less than Three times in every newspaper which shall be published in *Tasmania* not less than Three times from the date of the first publication of such list of candidates to the day of the election. Returning Officer.

**10** The seat of a *Tasmanian* Representative shall be vacated— Vacancies.

- (1.) By resignation under his hand addressed to the Governor.
- (2.) By absence, without leave of absence from the Convention, from any Five sittings thereof.
- (3.) By any other circumstance, except resignation or absence, which in the case of a Member of the *Tasmanian* House of Assembly would vacate his seat in such House.

**11** The first vacancy occurring pursuant to the preceding Section shall forthwith be filled by the appointment by the Governor of the candidate who, not being nor having been a Member of the Convention, was highest on the poll. Every subsequent appointment to be made in like manner. But in the event of there not being any person eligible or willing to fill any vacancy among the *Tasmanian* Representatives as hereinbefore provided, such vacancy shall be filled by the appointment by the Governor of such person as shall be nominated to him for that purpose by the *Tasmanian* Representatives or a majority of them; and if they do not nominate any person to the Governor within Ten days after any such vacancy has occurred, the Governor shall proceed to nominate a fit and proper person to fill such vacancy. How vacancies filled.

**12** Every person qualified and entitled to vote for the election of a Member of the *Tasmanian* House of Assembly shall be qualified and entitled to vote for the election of Members of the Convention as Representatives of *Tasmania*. Electors.

**13** The first election of *Tasmanian* Representatives as Members of the Convention shall take place on a day to be fixed by Proclamation, which day, as nearly as may be conveniently practicable, shall be the same as the day of first election of Representatives of other Colonies: Provided, that the day appointed for the holding of the election shall not be less than Fourteen nor more than Twenty-one days after the expiration of the period fixed for receiving nominations of candidates. First election.

**14**—(1.) The voting shall be taken throughout *Tasmania* as one Electoral District, and every voter shall vote for the full number of Representatives required, otherwise the vote shall be rejected as informal. Electoral District.

(2.) No person shall vote more than once at the same election of *Tasmanian* Representatives. One vote only.

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Disputed election. **15** If any question shall arise respecting the election qualification or disqualification of a *Tasmanian* Representative, the same shall be heard and determined as in the case of a question respecting the election qualification or disqualification of a Member of the *Tasmanian* House of Assembly.
- Certificate of results. **16** The result of every election for *Tasmanian* Representatives shall be reported to and certified by the Chief Secretary in manner prescribed, whose certificates shall be conclusive, except in proceedings for contesting the validity of the election.
- Meeting of Convention. **17** When the first elections have been held in three or more Colonies, a meeting of the Convention shall be convened for a time and place agreed to by the Governors of such Colonies, and, in default of agreement, at such time and place as a majority of such Governors shall decide, or, in case of an equal division, as the Governor of the senior of such Colonies shall fix.
- Procedure. **18** The Convention may adopt Standing Orders, and may provide for keeping and publishing records and journals of its proceedings, and for the conduct of its business, in such manner as shall be thought fit; and, until otherwise provided, the proceedings of the Convention shall be regulated by the Standing Orders and practice of the House of Commons so far as applicable.
- Convention to frame Constitution. **19** The Convention shall be charged with the duty of framing for *Australasia* a Federal Constitution under the Crown in the form of a Bill for enactment by the Imperial Parliament.
- President. **20**—(1.) The Convention shall at its first meeting, before proceeding to the despatch of any other business, elect a Member of such Convention to be the President thereof.
- Resignation or removal of President. (2.) The President may resign his office, or he may be removed from office by a vote of the Convention; and upon his ceasing to be a Member of the Convention his office shall become vacant.
- Absence of President. **21** In the case of the absence of the President the Convention may choose some other Member to perform his duties during his absence.
- Supply of vacancy. **22** Whenever a vacancy shall occur in the office of President, such vacancy shall forthwith be filled by a fresh election.
- Quorum. **23** The presence, exclusive of the President, of at least one half of the total number of the Members of the Convention shall be necessary to constitute a meeting of the Convention for the exercise of its powers.
- Committees. **24** The Convention may temporarily delegate any of its powers to any Committee of its Members, but the Constitution shall be submitted to and approved by the Convention.
- Voting. **25** Questions arising in the Convention shall be decided by a majority of the votes of the Members present, other than the President; and when on any division the votes are equal, but not otherwise, the President shall have a vote, and his vote shall decide the question.

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- 26** When the Constitution shall have been framed and approved by the Convention, copies thereof shall be supplied to the Members of the Convention, and the President shall declare the sitting of the Convention adjourned to a time and place to be fixed by the Convention, not being less than Sixty nor more than One hundred and twenty days thereafter. And as soon as convenient the Draft Constitution shall be submitted for consideration to each House of Parliament sitting in Committee of the Whole, and such amendments as may be suggested by the Legislature, together with the Draft Constitution, shall be remitted to the Convention through the Senior Representative. A.D. 1896.  
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Adjournment of Convention.
- 27** On the reassembling of the Convention, the Constitution as framed and approved prior to the adjournment shall be considered, with any amendments which may be proposed, and shall be finally adopted with any amendments that may be agreed to. Reassembling of Convention.
- 28** So soon as the Convention shall have finally adopted a Federal Constitution as required by the preceding Section, and shall have disposed of all incidental business, copies certified by the President shall be supplied in duplicate to the Members of the Convention, and the President shall declare the proceedings of the Convention closed. Final adoption.
- 29** Each *Tasmanian* Representative shall cease to hold office at the expiration of Fourteen days after the proceedings of the Convention have closed. Expiration of term of office.
- 30** Each *Tasmanian* Representative shall be entitled during his term of office to be reimbursed for his expenses in attending the Convention at the rate of Three Pounds for each sitting of the Convention, to be paid by the Treasurer out of the Consolidated Revenue of the Colony. Payment of Representatives.
- 31** *Tasmania* shall contribute to the payment of the expenses of the meeting and proceedings of the Convention in the proportion which the population of *Tasmania* bears to the total population of the Colonies represented at the Convention, and the Treasurer shall make such payment accordingly out of the Consolidated General Revenue. Payment of expenses of Convention.

## PART II.

## THE SUBMISSION TO THE ELECTORS.

- 32** Within Fourteen days after the close of the proceedings of the Convention, certified copies of the Constitution shall be forwarded by the President of the Convention and by the *Tasmanian* Representatives, or one of them, to the Governor. Constitution to be certified to Governor.
- 33** So soon as practicable after the close of the proceedings of the Convention, the question of the acceptance or rejection of the Constitution shall be referred and submitted to the vote of all persons in *Tasmania* qualified and entitled to vote for the election of Members of the House of Assembly. Submission to Electors.  
The voting shall be taken throughout *Tasmania* as one Electoral District.

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Voting.

**34** Each voter shall vote by ballot "Yes" or "No" on the question, in accordance with the direction on the Ballot-paper in the Schedule hereto, and all votes shall be taken on the same day.

One vote only.

**35** No person shall vote more than once on the question.

Decision of question.

**36** The majority of votes shall decide the question, and if the Constitution shall be thereby rejected, no further action shall be taken by *Tasmania* in reference thereto pursuant to this Act: Provided, that any number of votes in the affirmative less than Six thousand shall be equivalent to the rejection of the Bill.

## PART III.

## TRANSMISSION FOR LEGISLATIVE ENACTMENT.

Addresses to the Queen.

**37** If two Colonies, in addition to *Tasmania*, accept the Constitution, both Houses of Parliament may adopt Addresses to the Queen praying that the same may be passed into Law by the Imperial Parliament, upon receipt of similar Addresses from the Parliaments of two such Colonies.

Transmission.

**38** When Addresses have been agreed to pursuant to the preceding Section, the same shall be transmitted to the Queen with a certified copy of the Constitution.

## PART IV.

## SUPPLEMENTAL.

Question may be put on tendering vote.

**39**—(1) At every election of Representatives of *Tasmania*, and on the submission to the electors of the question of the acceptance or rejection of the Constitution the Returning Officer or Deputy Returning Officer, if he thinks fit, may, and if required by any scrutineer or by any two persons entitled to vote at the polling-place at which he presides, shall, before any person tendering his vote thereat receives a ballot-paper (but not afterwards), put to such person the following question in addition to any others he may lawfully put (that is to say):—

"Have you already voted in any electoral district to-day?" [*In the case of an adjourned poll, the day from which the poll was adjourned should also be named.*]

Refusal, &amp;c. to answer.

(2) If any person, having tendered his vote, to whom such question is put as aforesaid, refuses or omits distinctly to answer the same, or does not answer the same absolutely in the negative, he shall be and be deemed prohibited from voting then or afterwards at such election or on such submission, as the case may be.

Penalties.

(3) If in contravention of this Act any person votes or attempts to vote more than once at any election he shall be liable to a penalty not exceeding Fifty Pounds, or, at the option of the Court, to imprisonment not exceeding Six months.

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**40** For the purpose of holding elections of *Tasmanian* Representatives, and of submitting the Constitution to the electors, the Governor may cause writs to be issued by such persons in such form and addressed to such Deputy Returning Officers as he thinks fit. A.D. 1896.  
Writs.

**41** Unless and until otherwise prescribed, and except as is hereinbefore expressly provided, the Laws relating to the conduct of elections for the House of Assembly, the proceedings before and at and subsequent to such elections, the trial of disputed elections, electoral offences, and all incidental matters, shall apply, *mutatis mutandis*, to the election of *Tasmanian* Representatives, and to the proceedings for submitting the Constitution to the electors. Application of general Law.

**42** The Governor may from time to time make and alter Regulations for prescribing the mode of holding elections of *Tasmanian* Representatives, also Regulations for submitting the Constitution to the electors, and generally for the purposes of carrying this Act into effect. Regulations.

**43** All such Regulations shall be published in the Government *Gazette*, and on such publication shall have the force of Law; and all such Regulations shall be laid before both Houses of Parliament within Fourteen days after the making thereof, if Parliament be then sitting, or if Parliament be not then sitting, within Fourteen days after the next meeting of Parliament. Publication of Regulations.

**44** Any such Regulation may provide for the summary enforcement thereof by a penalty not exceeding Fifty Pounds, or, at the option of the Court, by imprisonment not exceeding Six calendar months. Enforcement of Regulations.

## THE SCHEDULE.

## AUSTRALASIAN FEDERAL CONSTITUTION.

## BALLOT PAPER.

Are you in favour of the proposed Federal Constitution Bill?

“YES.”

“NO.”

If you are in favour of the Bill strike out the above word “No”;

If you are against the Bill strike out the above word “Yes.”

