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CHAPTER 1

PRE-HISTORY TO FEDERATION

Early knowledge and discovery of Australia

Pre-history

Humans entered the Australian continent from the South-East Asian area during the last glaciation at least 40,000 years ago, at a time when sea levels were much lower than they are today. Even so, these first migrations would have entailed a sea voyage of some 60 kilometres, making it possibly the world's earliest sea-borne migration. Settlement was well established 25,000 to 30,000 years ago and by 20,000 years ago almost the entire continent was inhabited.

The original Australians lived as hunter-gatherers, using tools of wood, bone, shell and stone. Archaeological evidence indicates that a simple pan-continental toolmaking tradition existed characterised by stone ware tools; scrapers were used to fashion further tools out of wood. This tradition persisted until 5,000 to 6,000 years ago, at which time a range of more specialised small tools began to emerge. But, in Tasmania, isolated up until 12,000 years ago by the post-glacial rising seas, Aborigines still maintained the culture of the late Pleistocene period, until subject to the influence of European settlement of the island.

Anthropologists estimate the number of Aborigines in Australia at 1788 to vary from 250,000 to 300,000, they were divided into some 500 small groups and spoke a variety of languages and dialects. These groups or 'tribes' were further divided into 'bands' or clusters of family groups and formed the basic self-sufficient economic unit. Labour was divided between the sexes: the men hunted while the women foraged for roots and seeds and caught small animals which also formed a basic part of their subsistence. Local groups would congregate when food or water supplies were abundant or when ceremonial obligations demanded. Exchanges of goods at these ceremonial gatherings led to their wide dispersal. Religious and ceremonial activities relating to the land were a vital part of Aboriginal life and evidence suggests they had developed the use of ochre as a ritual painting material as early as 25,000 years ago.

The physical barriers of distance and aridity within Australia itself were cause, in part, of the cultural isolation and linguistic diversity of its people. European exploration and settlement was for most Aboriginal societies their first contact with an outside culture. The impact of this settlement in those areas where the colonists established themselves led rapidly to the disappearance of the traditional Aboriginal way of life.

Terra Australis

Although references to an Austral land are found in the works of writers in the early centuries after Christ, and evidence appears in maps, globes, and manuscripts from the Middle Ages onward, there is no definite evidence connecting this *Terra Australis* or southern land, as it was then known, with Australia. However, Cornelius Wytfliet's global map of 1597, see Year Book No. 69, indicates roughly the eastern and western coasts of Australia, as well as the Gulf of Carpentaria.

Early discoveries of Australia

The early maps indicate that Portuguese mariners under Mendonca chartered part of the Australian east coast between 1521 and 1523. It has been suggested that the Arabs may have come to Australia even earlier, though there is no evidence to support this theory. For most purposes, the coastal exploration of Australia is taken as having begun with the Spaniards and the Dutch.

Discoveries by the Spanish

In 1606 the Spaniard, Quiros, on reaching the island of Espiritu Santo, the largest island of the New Hebrides group, thought he had discovered the great land of the south and therefore named the group *La Australia del Spiritu Santo*, in honor of Philip III of Spain, of the Austrian royal house.

After leaving the New Hebrides, Quiros sailed eastward, and therefore away from Australia, but Torres, his second-in-command, took a westerly course and passed through the strait that now bears his name. In all probability Torres sighted the Australian continent, although no mention of it is made in his records.

Discoveries by the Dutch

The map published by Cornelius Wytfliet in 1597 indicates roughly the eastern and western coast of Australia, as well as the Gulf of Carpentaria. However the Dutch first explored the coastline of Australia when, during 1606, the yacht *Duyfken* under the command of William Jansz having coasted along the southern shores of New Guinea, followed the west coast of Cape York Peninsula as far as Cape Keer-Weer (Turn Again). Subsequent visits were made by Hartog (1616), de Houtman (1619), Carstensz (1623), Thijssen (1627), Pelsaert (1629), Tasman and others (1642). By 1644 the Dutch had discovered and explored the Australian coast from Fowler's Bay in the South, to the tip of Cape York Peninsula, as well as the south of Tasmania.

More detailed information on discoveries by the Dutch can be found in Year Book No. 63.

Discoveries by the English

The English had made their first appearance on the Australian coast in 1688, when the north-westerly shores were visited by William Dampier in the trading vessel *Cygnets*. In 1699 he again visited Australia in command of H.M.S. *Roebuck*. On his return to England, he published an account in which a description was given of trees, flowers, birds, and reptiles he had observed, and of his encounters with the natives.

Up until the end of the seventeenth century, it was not certain if Tasmania and New Zealand were parts of Australia or whether they were separated from it, yet formed part of a great Antarctic Continent. Lieutenant (later Captain) James Cook's first voyage, though undertaken primarily for the purpose of observing the transit of Venus from Tahiti had also the objective of ascertaining whether the unexplored part of the southern hemisphere did in fact contain another continent. In command of H.M.S. *Endeavour*, and accompanied by botanist Sir Joseph Banks, naturalist Dr Daniel Solander, astronomer Charles Green, draughtsmen and servants, Cook, after observing the transit of Venus at Tahiti, turned towards New Zealand, sighting that land on 7 October 1769 in the neighbourhood of Poverty Bay.

On 20 April 1770, Cook sighted the Australian mainland at a place he called Point Hicks, naming it after his first-lieutenant, who saw it first. Coasting northwards, on 29 April 1770 he landed at Botany Bay. Cook resumed his voyage and sailed along the coast in a northerly direction for nearly 2,100 kilometres, before striking a coral reef in the vicinity of Trinity Bay where the *Endeavour* was seriously damaged. It was nearly two months before repairs were completed and Cook again set a course to the north through Torres Strait.

The annexation of Australia

Possession taken of the eastern coast of Australia by Captain Cook

On 22 August 1770, Captain Cook took possession 'of the whole eastern coast, from latitude 38°S, to this place, latitude 10½°S, in right of His Majesty King George the Third', that is, over what now constitutes Victoria, the eastern parts of New South Wales and Queensland.

Annexation of the eastern part of the Australian continent and Tasmania

Formal possession, on behalf of the British Crown, of the whole of the eastern part of the Australian continent and Tasmania was taken on 26 January 1788, when Captain Phillip's commission, first issued to him on 12 October 1786 and amplified on 2 April 1787, was read to the people whom he had brought with him in the 'First Fleet'. The commission appointed Phillip 'Captain-General and Governor-in-Chief in and over our territory called New South Wales, extending from the Northern Cape or extremity of the coast called Cape York, in the latitude of ten degrees thirty-seven minutes south, to the southern extremity of the said territory of New South Wales or South Cape, in the latitude of forty-three degrees thirty-nine minutes south and of all the country inland, westward as far as the one hundred and thirty-fifth degree of east longitude, reckoning from the meridian of Greenwich, including all the islands adjacent in the Pacific Ocean within the latitude aforesaid of ten degrees thirty-seven minutes south and forty-three degrees thirty-nine minutes south'.

By the middle of 1829, the whole territory, now known as Australia, had been constituted a dependency of the United Kingdom.

The exploration of Australia

Early exploration

From 1788, when Governor Phillip established his colony on the shores of Port Jackson, expeditions began to explore the immediate area of settlement in search of good farming land. Among suitable locations discovered were those just above the head of the Parramatta River, where the settlement of Rose Hill (later Parramatta) was established in November 1788, and the alluvial flats of the Hawkesbury River, which were explored in 1789.

Other minor exploratory journeys in the 1790s and early 1800s included: John Wilson's investigation of various parts of the Southern Highlands of New South Wales, Lieutenant John Shortland's discovery of the Hunter River and the future site of Newcastle, and expeditions by Henry Hacking (1794), George Bass (1796), Francis Barrallier (1802) and George Caley (1804) in attempts to penetrate the mountain foothills west of the Nepean River.

After two decades of colonisation, settlement stretched along the east coast from the Hawkesbury River to the cedar forests of Illawarra yet reached barely 65 kilometres inland, where a seemingly impenetrable barrier was presented in the form of the Blue Mountains.

In 1813, Gregory Blaxland, Lieutenant William Lawson and William Charles Wentworth succeeded in finding a route through the mountain range, thereby allowing the later exploratory parties of George William Evans (1813 and 1815), John Oxley (1817 and 1818), Allan Cunningham (1823 and 1827), Hamilton Hume and William Hovell (1824) and others, to open the way for expansion from Port Phillip in the south, to the Darling Downs in the north.

Exploring the eastern rivers and to the south

From 1828 to 1841, exploration of south-eastern Australia was concerned mainly with establishing the existence or not of a large river system emptying into the sea on the south coast.

Between December 1828 and February 1829, an expedition led by Charles Sturt followed the Macquarie River to its meeting with the Darling River. Sturt also explored part of the Castlereagh River. On his next expedition, in 1830, Sturt pieced together more of the network of waterways which make up the Murray-Darling system by following the Murrumbidgee River from Jugiong down to the junction with the Murray, which he then followed as far as Lake Alexandria and Encounter Bay on the southern coastline. Sturt completed his exploration of the Murray in 1838 by investigating and charting its upper reaches.

Meanwhile, Captain John MacArthur and others had discovered that merino sheep were naturally suited to the dry climate of inland Australia. The colony's wool industry flourished, and by 1831, 1,340,000 kilograms of fine wool was being exported annually. As a result of the wool boom, settlers became anxious to push further inland in the search for new pastures.

In the three expeditions between 1831 and 1836, Thomas Livingston Mitchell explored the Liverpool Plains and discovered the Macintyre River; discovered well-grassed country at the junction of the Darling and Bogan Rivers; explored the Lachlan River to its meeting with the Murrumbidgee River, the Murray with its meeting with the Darling River, and south and south-east of the Murray through the region called 'Australia Felix' to Discovery Bay on the Southern coast.

The push south continued and in 1838 Angus McMillan discovered a practicable route from Monaro to the southern coastline. In 1840, Paul Edmund de Strzelecki made a journey from the Murrumbidgee River, south to Melbourne, during which he discovered and named Mount Kosciusko.

Exploring the south

In 1831, Captain Collet Barker landed at what was to become Port Adelaide. Later cattle-droving journeys undertaken by Joseph Hawdon, Charles Bonney, Charles Sturt and E. J. Eyre established links between the settlement of Adelaide and other settlements in the east of the state.

In August 1844, Charles Sturt led a sixteen man expedition from Adelaide into the interior with instructions to investigate a theory that an inland sea existed. After much hardship and near disaster during a period of exceptional heat in the region, Sturt found the channels of Cooper's Creek which formed part of the inland river system of Queensland. However, with the waters drying up rapidly in November 1845, heat and his health deteriorating, Sturt was forced to retreat, mistakenly declaring the land to be worthless.

Exploring north-eastern Australia

In 1844 Ludwig Leichhardt left Jimbour Station on the Darling Downs, to lead an expedition on an epic 141 month, 4,800 kilometre journey north and north-west to Port Essington, thereby winning a reputation for opening up large tracts of rich grazing land. In 1848 however, while on another expedition he and his party disappeared without trace when attempting to cross the continent westwards to Perth. Paradoxically much valuable incidental exploration was carried out when search parties attempted to find them.

Meanwhile, Thomas Mitchell's fourth expedition in 1846 had failed in its objective to find a river which flowed to the northern coast, but did lead to the opening up of good pastoral country in the Maranoa and Barcoo Rivers regions.

In 1848, E. B. Kennedy was speared to death by local Aboriginals while exploring the interior of Cape York Peninsula from Rockingham Bay to the Cape.

In the mid-to late 1850s, Angus C. Gregory led two expeditions: one, in 1855 across northern Australia in a west-east direction from the mouth of the Victoria River to the east coast at Port Curtis; and the other, in 1858, from the Barcoo River south the Adelaide.

Exploration of what was by then the new colony of Queensland was continued through the 1860s and 1870s by George Dalrymple, Ernest Henry, the Macdonald brothers, William Hann, James Venture Mulligan, R. L. Jack and others, these led to the founding of such towns as Bowen, Rockhampton and Mackay, and the opening up of much valuable farming land.

Across the continent south to north

In the late 1850s and early 1860s, most exploratory interest was concentrated on Central Australia, especially after John McDougall Stuart raised a Union Jack on what he considered to be the geographic centre of the continent, Central Mount Stuart, in April 1860. The South Australian Government had previously offered a large reward to the first explorer to cross Australia from south to north.

In August 1860, Robert O'Hara Burke and W. J. Wills set out from Melbourne with a large party to take up the challenge. On 11 February 1861, four expedition members (Burke, Wills, John King and Charles Gray) reached a mangrove swamp on what appeared to be the coast at the Gulf of Carpentaria (though they could not see the sea). After a succession of sorry incidents, however, Burke, Wills and Gray all died of exposure and starvation while on their return journey.

As in the case of Leichhardt, search parties sent out after Burke and Wills also discovered much valuable land in their own right; John McKinlay led an expedition from Adelaide to the north-east; William Landsborough from the Gulf of Carpentaria southward; and Frederick Walker from Rockhampton to the west.

Meanwhile, John McDougall Stuart had set out from Adelaide on his own expedition across Australia and, in July 1862, reached the sea at Van Diemen Gulf.

Exploring the west

As early as 1697, Willem de Vlamingh of the Dutch ship *Geelvinck*, carried out limited inland exploration on the west coast of Australia in the vicinity of the Swan River. However, the first major inland exploration in the colony of Western Australia took place 130 years later when, in 1827, Edmund Lockyer explored the watershed of the Kalbar River to within about 60 kilometres of its mouth.

In the 1830s, exploration and settlement was directed mainly to the south of the city of Perth (founded in 1829). Among the explorers during this decade were: Ensign Robert Dale, who found the rich agricultural land of the Avon Valley (1830); Lieutenant H. W. Bunbury, who open the way to rich pastoral flats in the south-west (1836); and Captain George Grey, who discovered the rich hinterland that now serves Geraldton (1839).

In 1848, J. S. Roe, who had also conducted several exploratory journeys in the 1830s, discovered good grazing country while on a 2,900 kilometre York-Pallinup River, Russell Range-Bunbury-Perth trek.

During the 1850s and 1860s the south-west was extensively occupied as far south as Albany and Kojonup, while to the north the Greenough district rapidly developed into the principal wheat-producing region of the State.

Due largely to the efforts of Grey in the 1830s, the Gregory brothers in the 1840s, 1850s and 1860s, and the Forrest brothers in the 1860s and 1870s, pastoralists were able to gradually push further north and occupy the Murchison, Gascoyne and De Grey districts. By the 1880s, again due largely to exploration by the Forrest brothers, the Kimberley region was also settled.

Exploring the hinterland

In 1875, Ernest Giles set out from Beltana, South Australia, and made a 4,000 kilometre journey to Perth. Two years earlier two other parties, led by Peter Egerton Warburton and W. C. Gosse, had explored west from the MacDonnell Ranges to the Oakover River, and from Alice Springs to Perth respectively.

Exploration of the hinterland was continued by W. P. Goddard (1890), J. H. Rowe (1895), A. W. Canning and others into the early twentieth century.

Exploring Tasmania

In 1793 Lieutenant John Hayes, commander of the *Duke of Clarence* expedition sailed up the Derwent River to the foot of Mt Direction from where he proceeded by boat up to the present site of New Norfolk. He became the first explorer to journey more than a few kilometres inland from the coast of Van Diemen's Land (by which name Tasmania was known until 1856). Then, as always, the island's rugged topography hindered any extensive exploration, and it was not until 1807 that Lieutenant Thomas Laycock crossed the island from Port Dalrymple to Hobart.

Much early exploration was carried out either, with the encouragement of Lieutenant-Governor William Sorell (including expeditions aimed primarily at discovering the nature of the west coast and determining its suitability for a future penal settlement), or under the auspices of the Van Diemen's Land Company which fostered efforts to find land suitable for agricultural settlement.

Some of the most noteworthy of Tasmania's early explorers were official surveyors, including John Oxley, G. W. Evans and Thomas Scott who, between 1820 and 1837, examined parts of the east, north-west and west coasts and, no doubt, influenced decisions to establish the infamous penal settlements at Macquarie Harbour (in 1822) and Port Arthur (in 1830).

Between 1820 and 1840 a considerable amount of incidental exploration resulted both from expeditions to round the remaining Tasmanian Aborigines following the declaration of martial law against them in 1828; and from the personal encouragement by Lieutenant-Governor Sir John Franklin of scientific expeditions to Tasmania in the late 1830s and early 1840s.

During 1840 and 1850, licensed surveyor N. L. Kentish was responsible for opening up the rich pastoral areas between the north-west coast and the high mountains, while Assistant-Surveyor James Scott explored much of the north-east.

The years 1860 and 1870 were marked by a number of exploratory journeys in search of minerals, including those of Charles Gould (1862), who found traces of silver, lead and gold in the Franklin and Gordon Valleys; James Smith (1871), who discovered tin at Mt. Bischoff, destined to become the richest mine of its kind in the world; and C. P. Sprent (1876-77), who found gold, copper, osmiridium and platinum while prospecting between the Arthur and Pieman Rivers.

The establishment of the Commonwealth of Australia

Federation

On 1 January 1901, the colonies, with the exception of New Zealand, were federated under the name of the 'Commonwealth of Australia', the designation of 'Colonies'—except in the case of the Northern Territory, to which the designation 'Territory' applied—being at the same time changed to that of 'States'.

Transfer of the Northern Territory to the Commonwealth

On 7 December 1907, the Commonwealth and the State of South Australia entered into an agreement for the transfer of the Northern Territory to the Commonwealth, subject to approval by the Parliaments of the Commonwealth and the State. This approval was given by the South Australian Parliament under the *Northern Territory Surrender Act, 1907* and by the Commonwealth Parliament under the *Northern Territory Acceptance Act 1910*. The Territory was formally transferred to the Commonwealth on 1 January 1911, and became the Northern Territory of Australia.

Transfer of the Australian Capital Territory to the Commonwealth

On 18 October 1909, the Commonwealth and the State of New South Wales entered into an agreement for the surrender to and acceptance by the Commonwealth of an area of 2,359 square kilometres as the Seat of Government of the Commonwealth. In December 1909, Acts were passed by the Commonwealth and New South Wales Parliaments approving the agreement, and on 5 December 1910 a proclamation was issued vesting the territory in the Commonwealth on and from 1 January 1911.

By the *Jervis Bay Territory Acceptance Act 1915*, an area of 73 square kilometres at Jervis Bay, surrendered by New South Wales according to an agreement made in 1913, was also accepted by the Commonwealth and was transferred as from 4 September 1915.

Present composition of Australia

In 1973, the total area of Australia and of the individual States and Territories was determined by the Division of National Mapping as 7,682,300 square kilometres. Some historical dates and the present areas of the several States and Territories and of Australia are shown in the following table.

AUSTRALIA: COMPONENT STATES AND TERRITORIES

State or Territory	Year of annexation	Year of first permanent settlement	Year of formation into separate Colony or Territory	Year in which responsible government was granted	Present area in km ²
New South Wales	1770	1788	1786	1855	801,600
Victoria	1770	1834	1851	1855	227,600
Queensland	1770	1824	1859	(a) 1859	1,727,200
South Australia	1788	1836	1834	1856	984,000
Western Australia	1829	1829	1829	1890	2,525,000
Tasmania	1788	1803	1825	1855	67,800
Northern Territory	..	..	(b) 1863	..	1,346,200
Australian Capital Territory	..	..	(c) 1911	..	2,400
Australia	..	..	..	(d)	7,682,300

(a) As part of New South Wales in 1855; as a separate colony in 1859. (b) Previously part of New South Wales; brought under the jurisdiction of South Australia in 1863; transferred to the Commonwealth in 1911. (c) Previously part of New South Wales. (d) Constituted as from 1 January 1901.

The external Territories of Australia

Norfolk Island

In 1856, Norfolk Island was created a distinct and separate settlement under the jurisdiction of New South Wales. In 1897, it was made a dependency under the Governor of that colony and finally, by the passage of the *Norfolk Island Act 1913*, it was accepted as a Territory of the Commonwealth of Australia. The island is situated in latitude 29° 02' S., longitude 167° 57' E., and comprises an area approximately 36 square kilometres. It served as a penal station from 1788–1813 and from 1825–1855.

Australian Antarctic Territory

An Imperial Order in Council of 7 February 1933 placed under Australian authority 'all the islands and territories other than Adelie Land which are situated south of the 60° S. latitude and lying between the 160° E. longitude and the 45° E. longitude'.

The Order came into force with a proclamation issued by the Governor-General on 24 August 1936, after the passing of the *Australian Antarctic Territory Acceptance Act 1933* by the Commonwealth Parliament. The boundaries of Adelie Land were definitely fixed by a French Decree of 1 April 1938 as latitude 60° S., longitude 136° E., and longitude 142° E.

Heard and McDonald Islands

Heard Island and the McDonald Islands, approximately 4,100 kilometres south-west of Fremantle, were transferred from United Kingdom to Australian control as from 26 December 1947. Heard Island is approximately 43 kilometres long and 20 kilometres wide, while the McDonald Islands, about 43 kilometres to the west of Heard Island, are small, rocky and precipitous.

Cocos (Keeling) Islands

The *Cocos (Keeling) Islands Act 1955* provided for the acceptance of the Cocos Islands as a Territory under the authority of the Commonwealth of Australia and was parallel to an Act of the United Kingdom Parliament transferring authority over the islands to the

Commonwealth. On 6 April 1984 the Cocos Malay community, in an Act of Self Determination which took the form of a referendum observed by the United Nations, chose to integrate with Australia. Day-to-day affairs in the Territory are managed by an Administrator appointed by the Governor-General and responsible to the Minister for Territories. The 27 coral islands of the territory have an area of about 14 square kilometres, and are situated in the Indian Ocean in latitude 12° 05' S. and longitude 96° 53' E.

Christmas Island

The *Christmas Island Act 1958* provided for the acceptance of Christmas Island as a Territory under the authority of the Commonwealth of Australia. Complementary legislation having been passed by the Parliament of the United Kingdom, the island was transferred to the Australian administration on 1 October 1958. Day-to-day affairs in the Territory are managed by an Administrator under delegation from the Minister for Territories. The area of the island is about 135 square kilometres and it is situated in the Indian Ocean in latitude 10° 25' S. and longitude 105° 40' E.

Coral Sea Islands

The Coral Sea Islands were declared to be a Territory of the Commonwealth of Australia by the *Coral Sea Islands Act 1969*. The scattered reefs and islands, offer little more than sandbanks, spread over a sea area of about 1 million square kilometres with only a few square kilometres of actual land area, between the Great Barrier Reef, latitude 12° S. and longitude 157° 10' E. The Minister for Territories is responsible for matters affecting the Territory.

Ashmore and Cartier Islands

An Imperial Order in Council of 23 July 1931 placed the islands under the authority of the Commonwealth of Australia. They were accepted by the Commonwealth through the *Ashmore and Cartier Acceptance Act 1933*, under the name of the Territory of Ashmore and Cartier Islands. The Act authorised the Governor of Western Australia to make ordinances in the Territory. An amendment to the Act in July 1938 annexed the islands to the Northern Territory, whose laws, wherever applicable, thereupon applied until 1978, when the islands reverted to federal jurisdiction. Cartier Island is situated in latitude 12° 32' S., longitude 123° 33' E. and has an area of approximately 9 square kilometres. Ashmore Islands (East, Middle and West) lie approximately 48 kilometres north-west of Cartier and have a total area of about 150 square kilometres.

More detailed information on Australia's external Territories can be found in Chapter 27, *The Territories of Australia*.

The Constitution of the Commonwealth of Australia

Information regarding the development of the Constitutions of the various Colonies (now States), together with a brief history of the federal movement in Australia, was embodied in this chapter in earlier issues of the Year Book.

Commonwealth Constitution Act

The Commonwealth of Australia Constitution Act, 63 and 64 Vict., Chapter 12, namely: 'An Act to constitute the Commonwealth of Australia', as amended by the *Constitution Alteration (Senate Elections) 1906*, the *Constitution Alteration (State Debts) 1909*, the *Constitution Alteration (State Debts) 1928*, the *Constitution Alteration (Social Services) 1946*, the *Constitution Alteration (Aboriginals) 1967*, the *Constitution Alteration (Senate Casual Vacancies) 1977*, the *Constitution Alteration (Retirement of Judges) 1977*, and the *Constitution Alteration (Referendums) 1977*, follows. The text contains all the alterations of the Constitution made up to and including 1 December 1977. No further alterations were made to the end of 1985.

THE CONSTITUTION

(63 & 64 VICTORIA, CHAPTER 12)

An Act to constitute the Commonwealth of Australia. (9th July, 1900.)

WHEREAS the people of New South Wales, Victoria, South Australia, Queensland and Tasmania, humbly relying on the blessing of Almighty God, have agreed to unite in one indissoluble Federal Commonwealth under the Crown of the United Kingdom of Great Britain and Ireland, and under the Constitution hereby established:

And whereas it is expedient to provide for the admission into the Commonwealth of other Australasian Colonies and possessions of the Queen:

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

1. This Act may be cited as the Commonwealth of Australia Constitution Act.
 2. The provisions of this Act referring to the Queen shall extend to Her Majesty's heirs and successors in the sovereignty of the United Kingdom.
 3. It shall be lawful for the Queen, with the advice of the Privy Council, to declare by proclamation that, on and after a day therein appointed, not being later than one year after the passing of this Act, the people of New South Wales, Victoria, South Australia, Queensland and Tasmania, and also, if Her Majesty is satisfied that the people of Western Australia have agreed thereto, of Western Australia, shall be united in a Federal Commonwealth under the name of the Commonwealth of Australia. But the Queen may, at any time after the proclamation appoint a Governor-General for the Commonwealth.
 4. The Commonwealth shall be established, and the Constitution of the Commonwealth shall take effect, on and after the day so appointed. But the Parliaments of the several colonies may at any time after the passing of this Act make any such laws, to come into operation on the day so appointed, as they might have made if the Constitution had taken effect at the passing of this Act.
 5. This Act, and all laws made by the Parliament of the Commonwealth under the Constitution, shall be binding on the courts, judges, and people of every State and of every part of the Commonwealth, notwithstanding anything in the laws of any State; and the laws of the Commonwealth shall be in force on all British ships, the Queen's ships of war excepted, whose first port of clearance and whose port of destination are in the Commonwealth.
 6. "The Commonwealth" shall mean the Commonwealth of Australia as established under this Act.
- "The States" shall mean such of the colonies of New South Wales, New Zealand, Queensland, Tasmania, Victoria, Western Australia, and South Australia, including the northern territory of South Australia, as for the time being are parts of the Commonwealth, and such colonies or territories as may be admitted into or established by the Commonwealth as States; and each of such parts of the Commonwealth shall be called "a State."
- "Original States" shall mean such States as are parts of the Commonwealth at its establishment.

7. The Federal Council of Australasia Act, 1885, is hereby repealed, but so as not to affect any laws passed by the Federal Council of Australasia and in force at the establishment of the Commonwealth.

Any such law may be repealed as to any State by the Parliament of the Commonwealth, or as to any colony not being a State by the Parliament thereof.

8. After the passing of this Act the Colonial Boundaries Act, 1895, shall not apply to any colony which becomes a State of the Commonwealth; but the Commonwealth shall be taken to be a self-governing colony for the purposes of that Act.

9. The Constitution of the Commonwealth shall be as follows:—

THE CONSTITUTION

This Constitution is divided as follows:—

Chapter	I.—The Parliament:
Part	I.—General:
Part	II.—The Senate:
Part	III.—The House of Representatives:
Part	IV.—Both Houses of the Parliament:
Part	V.—Powers of the Parliament:
Chapter	II.—The Executive Government:
Chapter	III.—The Judicature:
Chapter	IV.—Finance and Trade:
Chapter	V.—The States:
Chapter	VI.—New States:
Chapter	VII.—Miscellaneous:
Chapter	VIII.—Alteration of the Constitution:
The Schedule.	

CHAPTER I

THE PARLIAMENT

PART I—GENERAL

1. The Legislative power of the Commonwealth shall be vested in a Federal Parliament, which shall consist of the Queen, a Senate, and a House of Representatives, and which is herein-after called "The Parliament," or "The Parliament of the Commonwealth."

2. A Governor-General appointed by the Queen shall be Her Majesty's representative in the Commonwealth, and shall have and may exercise in the Commonwealth during the Queen's pleasure, but subject to this Constitution, such powers and functions of the Queen as Her Majesty may be pleased to assign to him.

3. There shall be payable to the Queen out of the Consolidated Revenue fund of the Commonwealth, for the salary of the Governor-General, an annual sum which, until the Parliament otherwise provides, shall be ten thousand pounds.

The salary of a Governor-General shall not be altered during his continuance in office.

4. The provisions of this Constitution relating to the Governor-General extend and apply to the Governor-General for the time being, or such person as the Queen may appoint to administer the Government of the Commonwealth; but no such person shall be entitled to receive any salary from the Commonwealth in respect of any other office during his administration of the Government of the Commonwealth.

5. The Governor-General may appoint such times for holding the sessions of the Parliament as he thinks fit, and may also from time to time, by Proclamation or otherwise, prorogue the Parliament, and may in like manner dissolve the House of Representatives.

After any general election the Parliament shall be summoned to meet not later than thirty days after the day appointed for the return of the writs.

The Parliament shall be summoned to meet not later than six months after the establishment of the Commonwealth.

6. There shall be a session of the Parliament once at least in every year, so that twelve months shall not intervene between the last sitting of the Parliament in one session and its first sitting in the next session.

PART II—THE SENATE

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.

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.

8. The qualification of electors of senators shall be in each State that which is prescribed by this Constitution, or by the Parliament, as the qualification for electors of members of the House of Representatives; but in the choosing of senators each elector shall vote only once.

9. The Parliament of the Commonwealth may make laws prescribing the method of choosing senators, but so that the method shall be uniform for all the States. Subject to any such law, the Parliament of each State may make laws prescribing the method of choosing the senators for that State.

The Parliament of a State may make laws for determining the times and places of elections of senators for the State.

10. Until the Parliament otherwise provides, but subject to this Constitution, the laws in force in each State, for the time being, relating to elections for the more numerous House of the Parliament of the State shall, as nearly as practicable, apply to elections of senators for the State.

11. The Senate may proceed to the despatch of business, notwithstanding the failure of any State to provide for its representation in the Senate.

12. The Governor of any State may cause writs to be issued for elections of senators for the State. In case of the dissolution of the Senate the writs shall be issued within ten days from the proclamation of such dissolution.

13. As soon as may be after the Senate first meets, and after each first meeting of the Senate following a dissolution thereof, the Senate shall divide the senators chosen for each State into two classes, as nearly equal in number as practicable; and the places of the senators of the first class shall become vacant at the expiration of three years, and the places of those of the second class at the expiration of six years, from the beginning of their term of service; and afterwards the places of senators shall become vacant at the expiration of six years from the beginning of their term of service.

The election to fill vacant places shall be made within one year before the places are to become vacant.

For the purposes of this section the term of service of a senator shall be taken to begin on the first day of July following the day of his election, except in the cases of the first election and of the election next after any dissolution of the Senate, when it shall be taken to begin on the first day of July preceding the day of his election.

14. Whenever the number of senators for a State is increased or diminished, the Parliament of the Commonwealth may make such provision for the vacating of the places of senators for the State as it deems necessary to maintain regularity in the rotation.

15. If the place of a senator becomes vacant before the expiration of his term of service, the Houses of Parliament of the State for which he was chosen, sitting and voting together, or, if there is only one House of that Parliament, that House, shall choose a person to hold the place until the expiration of the term. But if the Parliament of the State is not in session when the vacancy is notified, the Governor of the State, with the advice of the Executive Council thereof, may appoint a person to hold the place until the expiration of fourteen days from the beginning of the next session of the Parliament of the State or the expiration of the term, whichever first happens.

Where a vacancy has at any time occurred in the place of a senator chosen by the people of a State and, at the time when he was so chosen, he was publicly recognised by a particular political party as being an endorsed candidate of that party and publicly represented himself to be such a candidate, a person chosen or appointed under this section in consequence of that vacancy, or in consequence of that vacancy and a subsequent vacancy or vacancies, shall, unless there is no member of that party available to be chosen or appointed, be a member of that party.

Where—

- (a) in accordance with the last preceding paragraph, a member of a particular political party is chosen or appointed to hold the place of a senator whose place had become vacant; and
- (b) before taking his seat he ceases to be a member of that party (otherwise than by reason of the party having ceased to exist),

he shall be deemed not to have been so chosen or appointed and the vacancy shall be again notified in accordance with section twenty-one of this Constitution.

The name of any senator chosen or appointed under this section shall be certified by the Governor of the State to the Governor-General.

If the place of a senator chosen by the people of a State at the election of senators last held before the commencement of the *Constitution Alteration (Senate Casual Vacancies) 1977* became vacant before that commencement and, at that commencement, no person chosen by the House or Houses of Parliament of the State, or appointed by the Governor of the State, in consequence of that vacancy, or in consequence of that vacancy and a subsequent vacancy or vacancies, held office, this section applies as if the place of the senator chosen by the people of the State had become vacant after that commencement.

A senator holding office at the commencement of the *Constitution Alteration (Senate Casual Vacancies) 1977*, being a senator appointed by the Governor of a State in consequence of a vacancy that had at any time occurred in the place of a senator chosen by the people of the State, shall be deemed to have been appointed to hold the place until the expiration of fourteen days after the beginning of the next session of the Parliament of the State that commenced or commences after he was appointed and further action under this section shall be taken as if the vacancy in the place of the senator chosen by the people of the State had occurred after that commencement.

Subject to the next succeeding paragraph, a senator holding office at the commencement of the *Constitution Alteration (Senate Casual Vacancies) 1977* who was chosen by the House or Houses or Parliament of a State in consequence of a vacancy that had at any time occurred in the place of a senator chosen by the people of the State shall be deemed to have been chosen to hold office until the expiration of the term of service of the senator elected by the people of the State.

If, at or before the commencement of the *Constitution Alteration (Senate Casual Vacancies) 1977*, a law to alter the Constitution entitled "*Constitution Alteration (Simultaneous Elections) 1977*" came into operation, a senator holding office at the commencement of that law who was chosen by the House or Houses of Parliament of a State in consequence of a vacancy that had at any time occurred in the place of a senator chosen by the people of the State shall be deemed to have been chosen to hold office—

- (a) if the senator elected by the people of the State had a term of service expiring on the thirtieth day of June, One thousand nine hundred and seventy-eight—until the

expiration or dissolution of the first House of Representatives to expire or be dissolved after that law came into operation; or

- (b) if the senator elected by the people of the State had a term of service expiring on the thirtieth day of June, One thousand nine hundred and eighty-one—until the expiration or dissolution of the second House of Representatives to expire or be dissolved after that law come into operation or, if there is an earlier dissolution of the Senate, until that dissolution.

16. The qualifications of a senator shall be the same as those of a member of the House of Representatives.

17. The Senate shall, before proceeding to the despatch of any other business, choose a senator to be the President of the Senate; and as often as the office of President becomes vacant the Senate shall again choose a senator to be the President.

The President shall cease to hold his office if he ceases to be a senator. He may be removed from office by a vote of the Senate, or he may resign his office or his seat by writing addressed to the Governor-General.

18. Before or during any absence of the President, the Senate may choose a senator to perform his duties in his absence.

19. A senator may, by writing addressed to the President, or to the Governor-General if there is no President or if the President is absent from the Commonwealth, resign his place, which thereupon shall become vacant.

20. The place of a senator shall become vacant if for two consecutive months of any session of the Parliament he, without the permission of the Senate, fails to attend the Senate.

21. Whenever a vacancy happens in the Senate, the President, or if there is no President or if the President is absent from the Commonwealth the Governor-General, shall notify the same to the Governor of the State in the representation of which the vacancy has happened.

22. Until the Parliament otherwise provides, the presence of at least one-third of the whole number of the senators shall be necessary to constitute a meeting of the Senate for the exercise of its powers.

23. Questions arising in the Senate shall be determined by a majority of votes, and each senator shall have one vote. The President shall in all cases be entitled to a vote; and when the votes are equal the question shall pass in the negative.

PART III—THE HOUSE OF REPRESENTATIVES

24. The House of Representatives shall be composed of members directly chosen by the people of the Commonwealth, and the number of such members shall be, as nearly as practicable, twice the number of the senators.

The number of members chosen in the several States shall be in proportion to the respective numbers of their people, and shall, until the Parliament otherwise provides, be determined, whenever necessary, in the following manner:—

- (i) A quota shall be ascertained by dividing the number of the people of the Commonwealth, as shown by the latest statistics of the Commonwealth, by twice the number of the senators;
- (ii) The number of members to be chosen in each State shall be determined by dividing the number of the people of the State, as shown by the latest statistics of the Commonwealth, by the quota; and if on such division there is a remainder greater than one-half of the quota, one more member shall be chosen in the State.

But notwithstanding anything in this section, five members at least shall be chosen in each Original State.

25. For the purposes of the last section, if by the law of any State all persons of any race are disqualified from voting at elections for the more numerous House of the Parliament of the State, then, in reckoning the number of the people of the State or of the Commonwealth, persons of that race resident in that State shall not be counted.

26. Notwithstanding anything in section twenty-four, the number of members to be chosen in each State at the first election shall be as follows:—

New South Wales.	twenty-three;
Victoria.	twenty;
Queensland	eight;
South Australia.	six;
Tasmania	five;

Provided that if Western Australia is an original State, the numbers shall be as follows:—

New South Wales	twenty-six;
Victoria	twenty-three;
Queensland	nine;
South Australia	seven;
Western Australia	five;
Tasmania	five.

27. Subject to this Constitution, the Parliament may make laws for increasing or diminishing the number of the members of the House of Representatives.

28. Every House of Representatives shall continue for three years from the first meeting of the House, and no longer, but may be sooner dissolved by the Governor-General.

29. Until the Parliament of the Commonwealth otherwise provides, the Parliament of any State may make laws for determining the divisions in each State for which members of the House of Representatives may be chosen, and the number of members to be chosen for each division. A division shall not be formed out of parts of different States.

In the absence of other provisions, each State shall be one electorate.

30. Until the Parliament otherwise provides, the qualification of electors of members of the House of Representatives shall be in each State that which is prescribed by the law of the State as the qualification of electors of the more numerous House of Parliament of the State; but in the choosing of members each elector shall vote only once.

31. Until the Parliament otherwise provides, but subject to this Constitution, the laws in force in each State for the time being relating to elections for the more numerous House of the Parliament of the State shall, as nearly as practicable, apply to elections in the State of members of the House of Representatives.

32. The Governor-General in Council may cause writs to be issued for general elections of members of the House of Representatives.

After the first general election, the writs shall be issued within ten days from the expiry of a House of Representatives or from the proclamation of a dissolution thereof.

33. Whenever a vacancy happens in the House of Representatives, the Speaker shall issue his writ for the election of a new member, or if there is no Speaker or if he is absent from the Commonwealth the Governor-General in Council may issue the writ.

34. Until the Parliament otherwise provides, the qualifications of a member of the House of Representatives shall be as follows:—

- (i) He must be of the full age of twenty-one years, and must be an elector entitled to vote at the election of members of the House of Representatives, or a person qualified to become such elector, and must have been for three years at the least a resident within the limits of the Commonwealth as existing at the time when he is chosen:
- (ii) He must be a subject of the Queen, either natural-born or for at least five years naturalized under a law of the United Kingdom, or of a Colony which has become or becomes a State, or of the Commonwealth, or of a State.

35. The House of Representatives shall, before proceeding to the despatch of any other business, choose a member to be the Speaker of the House, and as often as the office of Speaker becomes vacant the House shall again choose a member to be the Speaker.

The Speaker shall cease to hold his office if he ceases to be a member. He may be removed from office by a vote of the House, or he may resign his office or his seat by writing addressed to the Governor-General.

36. Before or during any absence of the Speaker, the House of Representatives may choose a member to perform his duties in his absence.

37. A member may be writing addressed to the Speaker, or to the Governor-General if there is no Speaker or if the Speaker is absent from the Commonwealth, resign his place, which thereupon shall become vacant.

38. The place of a member shall become vacant if for two consecutive months of any session of the Parliament he, without the permission of the House, fails to attend the House.

39. Until the Parliament otherwise provides, the presence of at least one-third of the whole number of the members of the House of Representatives shall be necessary to constitute a meeting of the House for the exercise of its powers.

40. Questions arising in the House of Representatives shall be determined by a majority of votes other than that of the Speaker. The Speaker shall not vote unless the numbers are equal, and then he shall have a casting vote.

PART IV—BOTH HOUSES OF THE PARLIAMENT

41. No adult person who has or acquires a right to vote at elections for the more numerous House of the Parliament of a State shall, while the right continues, be prevented by any law of the Commonwealth from voting at elections for either House of the Parliament of the Commonwealth.

42. Every senator and every member of the House of Representatives shall before taking his seat make and subscribe before the Governor-General, or some person authorised by him, an oath or affirmation of allegiance in the form set forth in the schedule to this Constitution.

43. A member of either House of the Parliament shall be incapable of being chosen or of sitting as a member of the other House.

44. Any person who—

- (i) Is under any acknowledgment of allegiance, obedience, or adherence, to a foreign power, or is a subject or a citizen or entitled to the rights or privileges of a subject or a citizen of a foreign power: or
- (ii) Is attainted of treason, or has been convicted and is under sentence, or subject to be sentenced, for any offence punishable under the law of the Commonwealth or of a State by imprisonment for one year or longer: or
- (iii) Is an undischarged bankrupt or insolvent: or
- (iv) Holds any office of profit under the Crown, or any pension payable during the pleasure of the Crown out of any of the revenues of the Commonwealth: or
- (v) Has any direct or indirect pecuniary interest in any agreement with the Public Service of the Commonwealth otherwise than as a member and in common with the other members of an incorporated company consisting of more than twenty-five persons:

shall be incapable of being chosen or of sitting as a senator or a member of the House of Representatives.

But sub-section (iv) does not apply to the office of any of the Queen's Ministers of State for the Commonwealth, or of any of the Queen's Ministers for a State, or to the receipt of pay, half pay, or a pension, by any person as an officer or member of the Queen's navy or army, or to the receipt of pay as an officer or member of the naval or military forces of the Commonwealth by any person whose services are not wholly employed by the Commonwealth.

45. If a senator or member of the House of Representatives—

- (i) Becomes subject to any of the disabilities mentioned in the last preceding section: or
- (ii) Takes the benefit, whether by assignment, composition, or otherwise, of any law relating to bankrupt or insolvent debtors: or
- (iii) Directly or indirectly takes or agrees to take any fee or honorarium for services rendered to the Commonwealth, or for services rendered in the Parliament to any person or State:

his place shall thereupon become vacant.

46. Until the Parliament otherwise provides, any person declared by this Constitution to be incapable of sitting as a senator or as a member of the House of Representatives shall, for every day on which he so sits, be liable to pay the sum of one hundred pounds to any person who sues for it in any court of competent jurisdiction.

47. Until the Parliament otherwise provides, any question respecting the qualification of a senator or of a member of the House of Representatives, or respecting a vacancy in either House of the Parliament, and any question of a disputed election to either House, shall be determined by the House in which the question arises.

48. Until the Parliament otherwise provides, each senator and each of the House of Representatives shall receive an allowance of four hundred pounds a year, to be reckoned from the day on which he takes his seat.

49. The powers, privileges, and immunities of the Senate and of the House of Representatives, and of the members and the committees of each House, shall be such as are declared by the Parliament, and until declared shall be those of the Commons House of Parliament of the United Kingdom, and of its members and committees, at the establishment of the Commonwealth.

50. Each House of the Parliament may make rules and orders with respect to—

- (i) The mode in which its powers, privileges, and immunities may be exercised and upheld:
- (ii) The order and conduct of its business and proceedings either separately or jointly with the other House.

PART V—POWERS OF THE PARLIAMENT

51. The Parliament shall, subject to this constitution, have power to make laws for the peace, order, and good government of the Commonwealth with respect to:

- (i) Trade and commerce with other countries, and among the States:
- (ii) Taxation; but so as not to discriminate between States or parts of States:
- (iii) Bounties on the production or export of goods, but so that such bounties shall be uniform throughout the Commonwealth:
- (iv) Borrowing money on the public credit of the Commonwealth:
- (v) Postal, telegraphic, telephonic, and other like services:
- (vi) The naval and military defence of the Commonwealth and of the several States, and the control of the forces to execute and maintain the laws of the Commonwealth:
- (vii) Lighthouses, lightships, beacons and buoys:
- (viii) Astronomical and meteorological observations:
- (ix) Quarantine:
- (x) Fisheries in Australian waters beyond territorial limits:
- (xi) Census and statistics:
- (xii) Currency, coinage, and legal tender:
- (xiii) Banking, other than State banking; also State banking extending beyond the limits of the State concerned, the incorporation of banks, and the issue of paper money:
- (xiv) Insurance, other than State insurance; also State insurance extending beyond the limits of the State concerned:
- (xv) Weights and measures:

- (xvi) Bills of exchange and promissory notes:
 - (xvii) Bankruptcy and insolvency:
 - (xviii) Copyrights, patents of inventions and designs, and trade marks:
 - (xix) Naturalization and aliens:
 - (xx) Foreign corporations, and trading or financial corporations formed within the limits of the Commonwealth:
 - (xxi) Marriage:
 - (xxii) Divorce and matrimonial causes; and in relation thereto, parental rights, and the custody and guardianship of infants:
 - (xxiii) Invalid and old-age pensions:
 - (xxiiiA) The provision of maternity allowances, widows' pensions, child endowment, unemployment, pharmaceutical, sickness and hospital benefits, medical and dental services (but not so as to authorize any form of civil conscription), benefits to students and family allowances:
 - (xxiv) The service and execution throughout the Commonwealth of the civil and criminal process and the judgments of the courts of the States:
 - (xxv) The recognition throughout the Commonwealth of the laws, the public Acts and records, and the judicial proceedings of the States:
 - (xxvi) The people of any race, for whom it is deemed necessary to make special laws:
 - (xxvii) Immigration and emigration:
 - (xxviii) The influx of criminals:
 - (xxix) External affairs:
 - (xxx) The relations of the Commonwealth with the islands of the Pacific:
 - (xxxi) The acquisition of property on just terms from any State or person for any purpose in respect of which the Parliament has power to make laws:
 - (xxxii) The control of railways with respect to transport for the naval and military purposes of the Commonwealth:
 - (xxxiii) The acquisition, with the consent of a State, of any railways of the State on terms arranged between the Commonwealth and the State:
 - (xxxiv) Railway construction and extension in any State with the consent of that State:
 - (xxxv) Conciliation and arbitration for the prevention and settlement of industrial disputes extending beyond the limits of any one State:
 - (xxxvi) Matters in respect of which this Constitution makes provision until the Parliament otherwise provides:
 - (xxxvii) 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:
 - (xxxviii) The exercise within the Commonwealth, at the request or with the concurrence of the Parliaments of all the States directly concerned, of any power which can at the establishment of this Constitution be exercised only by the Parliament of the United Kingdom or by the Federal Council of Australasia:
 - (xxxix) Matters incidental to the execution of any power vested by this Constitution in the Parliament or in either House thereof, or in the Government of the Commonwealth, or in the Federal Judicature, or in any Department or officer of the Commonwealth.
- 52.** The Parliament shall, subject to this Constitution, have exclusive power to make laws for the peace, order, and good government of the Commonwealth with respect to—
- (i) The seat of government of the Commonwealth, and all places acquired by the Commonwealth for public purposes:
 - (ii) Matters relating to any department of the public service the control of which is by this Constitution transferred to the Executive Government of the Commonwealth:
 - (iii) Other matters declared by this Constitution to be within the exclusive power of the Parliament.
- 53.** Proposed laws appropriating revenue or moneys, or imposing taxation, shall not originate in the Senate. But a proposed law shall not be taken to appropriate revenue or moneys, or to impose taxation, by reason only of its containing provisions for the imposition or appropriation of fines or other pecuniary penalties, or for the demand or payment or appropriation of fees for licences, or fees for services under the proposed law.

The Senate may not amend proposed laws imposing taxation, or proposed laws appropriating revenue or moneys for the ordinary annual services of the Government.

The Senate may not amend any proposed law so as to increase any proposed charge or burden on the people.

The Senate may at any stage return to the House of Representatives any proposed law which the Senate may not amend, requesting, by message, the omission or amendment of any items or provisions therein. And the House of Representatives may, if it thinks fit, make any of such omissions or amendments, with or without modifications.

Except as provided in this section, the Senate shall have equal power with the House of Representatives in respect of all proposed laws.

54. The proposed law which appropriates revenue or moneys for the ordinary annual services of the Government shall deal only with such appropriation.

55. Laws imposing taxation shall deal only with the imposition of taxation, and any provision therein dealing with any other matter shall be of no effect.

Laws imposing taxation, except laws imposing duties of customs or of excise, shall deal with one subject of taxation only; but laws imposing duties of customs shall deal with duties of customs only, and laws imposing duties of excise shall deal with duties of excise only.

56. A vote, resolution, or proposed law for the appropriation of revenue or moneys shall not be passed unless the purpose of the appropriation has in the same session been recommended by message of the Governor-General to the House in which the proposal originated.

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.

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 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 the House of Representatives 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, 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.

58. When a proposed law passed by both Houses of the Parliament is presented to the Governor-General for the Queen's assent, he shall declare, according to his discretion, but subject to this Constitution, that he assents in the Queen's name, or that he withholds assent, or that he reserves the law for the Queen's pleasure.

The Governor-General may return to the House in which it originated any proposed law so presented to him, and may transmit therewith any amendments which he may recommend, and the Houses may deal with the recommendation.

59. The Queen may disallow any law within one year from the Governor-General's assent, and such disallowance on being made known by the Governor-General by speech or message to each of the Houses of the Parliament, or by Proclamation, shall annul the law from the day when the disallowance is so made known.

60. A proposed law reserved for 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 the Queen's assent the Governor-General makes known, by speech or message to each of the Houses of the Parliament, or by Proclamation, that it has received the Queen's assent.

CHAPTER II

THE EXECUTIVE GOVERNMENT

61. The executive power of the Commonwealth is vested in the Queen and is exercisable by the Governor-General as the Queen's representative, and extends to the execution and maintenance of this Constitution, and of the laws of the Commonwealth.

62. There shall be a Federal Executive Council to advise the Governor-General in the government of the Commonwealth, and the members of the Council shall be chosen and summoned by the Governor-General and sworn as Executive Councillors, and shall hold office during his pleasure.

63. The provisions of this Constitution referring to the Governor-General in Council shall be construed as referring to the Governor-General acting with the advice of the Federal Executive Council.

64. The Governor-General may appoint officers to administer such departments of State of the Commonwealth as the Governor-General in Council may establish.

Such officers shall hold office during the pleasure of the Governor-General. They shall be members of the Federal Executive Council, and shall be the Queen's Ministers of State for the Commonwealth.

After the first general election no Minister of State shall hold office for a longer period than three months unless he is or becomes a senator or a member of the House of Representatives.

65. Until the Parliament otherwise provides, the Ministers of State shall not exceed seven in number, and shall hold such offices as the Parliament prescribes, or, in the absence of provision, as the Governor-General directs.

66. There shall be payable to the Queen, out of the Consolidated Revenue Fund of the Commonwealth, for the salaries of the Ministers of State, an annual sum which, until the Parliament otherwise provides, shall not exceed twelve thousand pounds a year.

67. Until the Parliament otherwise provides, the appointment and removal of all other officers of the Executive Government of the Commonwealth shall be vested in the Governor-General in Council, unless the appointment is delegated by the Governor-General in Council or by a law of the Commonwealth to some other authority.

68. The command in chief of the naval and military forces of the Commonwealth is vested in the Governor-General as the Queen's representative.

69. On a date or dates to be proclaimed by the Governor-General after the establishment of the Commonwealth the following departments of the public service in each State shall become transferred to the Commonwealth:—

Posts, telegraphs, and telephones:

Naval and military defence:

Lighthouses, lightships, beacons and buoys:

Quarantine.

But the departments of customs and of excise in each State shall become transferred to the Commonwealth on its establishment.

70. In respect of matters which, under this Constitution, pass to the Executive Government of the Commonwealth, all powers and functions which at the establishment of the Commonwealth are vested in the Governor of a Colony, or in the Governor of a Colony with the advice of his Executive Council, or in any authority of a Colony, shall vest in the Governor-General, or in the Governor-General in Council, or in the authority exercising similar powers under the Commonwealth, as the case requires.

CHAPTER III

THE JUDICATURE

71. The judicial power of the Commonwealth shall be vested in a Federal Supreme Court, to be called the High Court of Australia, and in such other federal courts as the Parliament creates, and in such other courts as it invests with federal jurisdiction. The High Court shall consist of a Chief Justice, and so many other Justices, not less than two, as the Parliament prescribes.

72. The Justices of the High Court and of the other courts created by the Parliament—

- (i) Shall be appointed by the Governor-General in Council:
- (ii) Shall not be removed except by the Governor-General in Council, on an address from both Houses of the Parliament in the same session, praying for such removal on the ground of proved misbehaviour or incapacity:
- (iii) Shall receive such remuneration as the Parliament may fix; but the remuneration shall not be diminished during continuance in office.

The appointment of a Justice of the High Court shall be for a term expiring upon his attaining the age of seventy years, and a person shall not be appointed as a Justice of the High Court if he has attained that age.

The appointment of a Justice of a court created by the Parliament shall be for a term expiring upon his attaining the age that is, at the time of his appointment, the maximum age for Justices of that court and a person shall not be appointed as a Justice of such a court if he has attained the age that is for the time being the maximum age for Justices of that court.

Subject to this section, the maximum age for Justices of any court created by the Parliament is seventy years.

The Parliament may make a law fixing an age that is less than seventy years as the maximum age for Justices of a court created by the Parliament and may at any time repeal or amend such a law, but any such repeal or amendment does not affect the term of office of a Justice under an appointment made before the repeal or amendment.

A Justice of the High Court or of a court created by the Parliament may resign his office by writing under his hand delivered to the Governor-General.

Nothing in the provisions added to this section by the *Constitution Alteration (Retirement of Judges) 1977* affects the continuance of a person in office as a Justice of a court under an appointment made before the commencement of those provisions.

A reference in this section to the appointment of a Justice of the High Court or of a court created by the Parliament shall be read as including a reference to the appointment of a person who holds office as a Justice of the High Court or of a court created by the Parliament to another office of Justice of the same court having a different status or designation.

73. The High Court shall have jurisdiction, with such exceptions and subject to such regulations as the Parliament prescribes, to hear and determine appeals from all judgments,

decrees, orders, and sentences—

- (i) Of any Justice or Justices exercising the original jurisdiction of the High Court:
- (ii) Of any other federal court, or court exercising federal jurisdiction; or of the Supreme Court of any State, or of any other court of any State from which at the establishment of the Commonwealth an appeal lies to the Queen in Council:
- (iii) Of the Inter-State Commission, but as to questions of law only:

and the judgment of the High Court in all such cases shall be final and conclusive.

But no exception or regulation prescribed by the Parliament shall prevent the High Court from hearing and determining any appeal from the Supreme court of a State in any matter in which at the establishment of the Commonwealth an appeal lies from such Supreme Court to the Queen in Council.

Until the Parliament otherwise provides, the conditions of and restrictions on appeals to the Queen in Council from the Supreme Courts of the several States shall be applicable to appeals from them to the High Court.

74. No appeal shall be permitted to the Queen in Council from a decision of the High Court upon any question, howsoever arising, as to the limits inter se of the Constitutional powers of the Commonwealth and those of any State or States, or as to the limits inter se of the Constitutional powers of any two or more States, unless the High Court shall certify that the question is one which ought to be determined by Her Majesty in Council.

The High Court may so certify if satisfied that for any special reason the certificate should be granted, and thereupon an appeal shall lie to Her Majesty in Council on the question without further leave.

Except as provided in this section, this Constitution shall not impair any right which the Queen may be pleased to exercise by virtue of Her Royal prerogative to grant special leave of appeal from the High Court to her Majesty in Council. The Parliament may make laws limiting the matters in which such leave may be asked, but proposed laws containing any such limitation shall be reserved by the Governor-General for Her Majesty's pleasure.

75. In all matters—

- (i) Arising under any treaty:
- (ii) Affecting consuls or other representatives of other countries:
- (iii) In which the Commonwealth, or a person suing or being sued on behalf of the Commonwealth, is a party:
- (iv) Between States, or between residents of different States, or between a State and a resident of another State:
- (v) In which a writ of Mandamus or prohibition or an injunction is sought against an officer of the Commonwealth:

the High Court shall have original jurisdiction.

76. The Parliament may make laws conferring original jurisdiction on the High Court in any matter—

- (i) Arising under this Constitution, or involving its interpretation:
- (ii) Arising under any laws made by the Parliament:
- (iii) Of Admiralty and maritime jurisdiction:
- (iv) Relating to the same subject-matter claimed under the laws of different States.

77. With respect to any of the matters mentioned in the last two sections the Parliament may make laws—

- (i) Defining the jurisdiction of any federal court other than the High Court;
- (ii) Defining the extent to which the jurisdiction of any federal court shall be exclusive of that which belongs to or is invested in the courts of the States:
- (iii) Investing any court of a State with federal jurisdiction.

78. The Parliament may make laws conferring rights to proceed against the Commonwealth or a State in respect of matters within the limits of the judicial power.

79. The federal jurisdiction of any court may be exercised by such number of judges as the Parliament prescribes.

80. The trial on indictment of any offence against any law of the Commonwealth shall be by jury, and every such trial shall be held in the State where the offence was committed, and if the offence was not committed within any State the trial shall be held at such place or places as the Parliament prescribes.

CHAPTER IV

FINANCE AND TRADE

81. All revenues or moneys raised or received by the Executive Government of the Commonwealth shall form one Consolidated Revenue Fund, to be appropriated for the purposes of the Commonwealth in the manner and subject to the charges and liabilities imposed by this Constitution.

82. The costs, charges, and expenses incident to the collection, management, and receipt of the Consolidated Revenue Fund shall form the first charge thereon; and the revenue of the Commonwealth shall in the first instance be applied to the payment of the expenditure of the Commonwealth.

83. No money shall be drawn from the Treasury of the Commonwealth except under appropriation made by law.

But until the expiration of one month after the first meeting of the Parliament the Governor-General in Council may draw from the Treasury and expend such moneys as may be necessary for the maintenance of any department transferred to the Commonwealth and for the holding of the first elections for the Parliament.

84. When any department of the public service of a State becomes transferred to the Commonwealth, all officers of the department shall become subject to the control of the Executive Government of the Commonwealth.

Any such officer who is not retained in the service of the Commonwealth shall, unless he is appointed to some other office of equal emolument in the public service of the State, be entitled to receive from the State any pension, gratuity, or other compensation, payable under the law of the State on the abolition of his office.

Any such officer who is retained in the service of the Commonwealth shall preserve all his existing and accruing rights, and shall be entitled to retire from that office at the time, and on the pension or retiring allowance, which would be permitted by the law of the State if his service with the Commonwealth were a continuation of his service with the State. Such pension or retiring allowance shall be paid to him by the Commonwealth; but the State shall pay to the Commonwealth a part thereof, to be calculated on the proportion which his term of service with the State bears to his whole term of service, and for the purpose of the calculation his salary shall be taken to be that paid to him by the State at the time of the transfer.

Any officer who is, at the establishment of the Commonwealth, in the public service of a State, and who is, by consent of the Governor of the State with the advice of the Executive Council thereof, transferred to the public service of the Commonwealth, shall have the same rights as if he had been an officer of a department transferred to the Commonwealth and were retained in the service of the Commonwealth.

85. When any department of the public service of a State is transferred to the Commonwealth—

- (i) All property of the State of any kind, used exclusively in connexion with the department, shall become vested in the Commonwealth; but, in the case of the departments controlling customs and excise and bounties, for such time only as the Governor-General in Council may declare to be necessary:

- (ii) The Commonwealth may acquire any property of the state, of any kind used, but not exclusively used in connexion with the department; the value thereof shall, if no agreement can be made, be ascertained in, as nearly as may be, the manner in which the value of land, or of an interest in land, taken by the State for public purposes is ascertained under the law of the state in force at the establishment of the Commonwealth:
- (iii) The Commonwealth shall compensate the State for the value of any property passing to the Commonwealth under this section; if no agreement can be made as to the mode of compensation, it shall be determined under laws to be made by the Parliament:
- (iv) The Commonwealth shall, at the date of the transfer, assume the current obligations of the State in respect of the department transferred.

86. On the establishment of the Commonwealth, the collection and control of duties of customs and of excise, and the control of the payment of bounties, shall pass to the Executive Government of the Commonwealth.

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.

88. Uniform duties of customs shall be imposed within two years after the establishment of the Commonwealth.

89. Until the imposition of uniform duties of customs—

- (i) The Commonwealth shall credit to each State the revenues collected therein by the Commonwealth.
- (ii) The Commonwealth shall debit to each State—
 - (a) The expenditure therein of the Commonwealth incurred solely for the maintenance or continuance, as at the time of transfer, of any department transferred from the State to the Commonwealth;
 - (b) The proportion of the State, according to the number of its people, in the other expenditure of the Commonwealth.
- (iii) The Commonwealth shall pay to each State month by month the balance (if any) in favour of the State.

90. On the imposition of uniform duties of customs the power of the Parliament to impose duties of customs and of excise, and to grant bounties on the production or export of goods, shall become exclusive.

On the imposition of uniform duties of customs all laws of the several States imposing duties of customs or of excise, or offering bounties on the production or export of goods, shall cease to have effect, but any grant of or agreement for any such bounty lawfully made by or under the authority of the Government of any State shall be taken to be good if made before the thirtieth day of June, one thousand eight hundred and ninety-eight, and not otherwise.

91. Nothing in this Constitution prohibits a State from granting any aid to or bounty on mining for gold, silver, or other metals, nor from granting, with the consent of both Houses of the Parliament of the Commonwealth expressed by resolution, any aid or bounty on the production or export of goods.

92. On the imposition of uniform duties of customs, trade, commerce, and intercourse among the States, whether by means of internal carriage or ocean navigation, shall be absolutely free.

But notwithstanding anything in this Constitution, goods imported before the imposition of uniform duties of customs into any State, or into any Colony which, whilst the goods remain therein, becomes a State, shall, on thence passing into another State within two years

after the imposition of such duties, be liable to any duty chargeable on the importation of such goods into the Commonwealth, less any duty paid in respect of the goods on their importation.

93. During the first five years after the imposition of uniform duties of customs, and thereafter until the Parliament otherwise provides—

- (i) The duties of customs chargeable on goods imported into a State and afterwards passing into another State for consumption, and the duties of excise paid on goods produced or manufactured in a State and afterwards passing into another State for consumption, shall be taken to have been collected not in the former but in the latter State;
- (ii) Subject to the last subsection, the Commonwealth shall credit revenue, debit expenditure, and pay balances to the several States as prescribed for the period preceding the imposition of uniform duties of customs.

94. After five years from the imposition of uniform duties of customs, the Parliament may provide, on such basis as it deems fair for the monthly payment to the several States of all surplus revenue of the Commonwealth.

95. Notwithstanding anything in this Constitution, the Parliament of the State of Western Australia, if that State be an Original State, may, during the first five years after the imposition of uniform duties of customs, impose duties of customs on goods passing into that State and not originally imported beyond the limits of the Commonwealth; and such duties shall be collected by the Commonwealth.

But any duty so imposed on any goods shall not exceed during the first of such years the duty chargeable on the goods under the law of Western Australia in force at the imposition of uniform duties, and shall not exceed during the second, third, fourth, and fifth of such years respectively, four-fifths, three fifths, two-fifths, and one-fifth of such latter duty, and all duties imposed under this section shall cease at the expiration of the fifth year after the imposition of uniform duties.

If at any time during the five years the duty on any goods under this section is higher than the duty imposed by the Commonwealth on the importation of the like goods, then such higher duty shall be collected on the goods when imported into Western Australia from beyond the limits of the Commonwealth.

96. 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.

97. Until the Parliament otherwise provides, the laws in force in any Colony which has become or becomes a State with respect to the receipt of revenue and the expenditure of money on account of the Government of the Colony, and the review and audit of such receipt and expenditure, shall apply to the receipt of revenue and the expenditure of money on account of the Commonwealth in the State in the same manner as if the Commonwealth, or the Government or an officer of the Commonwealth, were mentioned whenever the Colony, or the Government or an officer of the Colony, is mentioned.

98. The power of the Parliament to make laws with respect to trade and commerce extends to navigation and shipping, and to railways the property of any State.

99. The Commonwealth shall not, by any law or regulation of trade, commerce, or revenue, give preference to one State or any part thereof over another State or any part thereof.

100. The Commonwealth shall not, by any law or regulation of trade or commerce, abridge the right of a State or of the residents therein to the reasonable use of the waters of rivers for conservation or irrigation.

101. There shall be an Inter-State Commission, with such powers of adjudication and administration as the Parliament deems necessary for the execution and maintenance, within the Commonwealth, of the provisions of this Constitution relating to trade and commerce, and of all laws made thereunder.

102. The Parliament may by any law with respect to trade or commerce forbid, as to railways, any preference or discrimination by any State, or by any authority constituted under

a State, if such preference or discrimination is undue and unreasonable, or unjust to any State; due regard being had to the financial responsibilities incurred by any State in connexion with the construction and maintenance of its railways. But no preference or discrimination shall, within the meaning of this section, be taken to be undue and unreasonable, or unjust to any State, unless so adjudged by the Inter-State Commission.

103. The members of the Inter-State Commission—

- (i) Shall be appointed by the Governor-General in Council:
- (ii) Shall hold office for seven years, but may be removed within that time by the Governor-General in Council, on an address from both Houses of the Parliament in the same session praying for such removal on the ground of proved misbehaviour or incapacity:
- (iii) Shall receive such remuneration as the Parliament may fix; but such remuneration shall not be diminished during their continuance in office.

104. Nothing in this Constitution shall render unlawful any rate for the carriage of goods upon a railway, the property of a State, if the rate is deemed by the Inter-State Commission to be necessary for the development of the territory of the State, and if the rate applies equally to goods within the State and to goods passing into the State from other States.

105. The Parliament may take over from the States their public debts, or a proportion thereof according to the respective numbers of their people as shown by the latest statistics of the Commonwealth, and may convert, renew, or consolidate such debts, or any part thereof; and the States shall indemnify the Commonwealth in respect of the debts taken over, and thereafter the interest payable in respect of the debts shall be deducted and retained from the portions of the surplus revenue of the Commonwealth payable to the several States, or if such surplus is insufficient, or if there is no surplus, then the deficiency or the whole amount shall be paid by the several States.

105A.—(1) The Commonwealth may make agreements with the States with respect to the public debts of the States, including—

- (a) the taking over of such debts by the Commonwealth;
- (b) the management of such debts;
- (c) the payment of interest and the provision and management of sinking funds in respect of such debts;
- (d) the consolidation, renewal, conversion, and redemption of such debts;
- (e) the indemnification of the Commonwealth by the States in respect of debts taken over by the Commonwealth; and
- (f) the borrowing of money by the States or by the Commonwealth, or by the Commonwealth for the States.

(2) The Parliament may make laws for validating any such agreement made before the commencement of this section.

(3) The Parliament may make laws for the carrying out by the parties thereto of any such agreement.

(4) Any such agreement may be varied or rescinded by the parties thereto.

(5) Every such agreement and any such variation thereof shall be binding upon the Commonwealth and the States parties thereto notwithstanding anything contained in this Constitution or the Constitution of the several States or in any law of the Parliament of the Commonwealth or of any State.

(6) The powers conferred by this section shall not be construed as being limited in any way by the provision of section one hundred and five of this Constitution.

CHAPTER V

THE STATES

106. The Constitution of each State of the Commonwealth shall, subject to this Constitution, continue as at the establishment of the Commonwealth, or as at the admission or

establishment of the State, as the case may be, until altered in accordance with the Constitution of the State.

107. Every power of the Parliament of a Colony which has become or becomes a State, shall, unless it is by this Constitution exclusively vested in the Parliament of the Commonwealth or withdrawn from the Parliament of the State, continue as at the establishment of the Commonwealth, or as at the admission or establishment of the State, as the case may be.

108. Every law in force in a Colony which has become or becomes a State, and relating to any matter within the powers of the Parliament of the Commonwealth, shall, subject to this Constitution, continue in force in the State; and, until provision is made in that behalf by the Parliament of the Commonwealth, the Parliament of the State shall have such powers of alteration and of repeal in respect of any such law as the Parliament of the Colony had until the Colony became a State.

109. When a law of a State is inconsistent with a law of the Commonwealth, the latter shall prevail, and the former shall, to the extent of the inconsistency, be invalid.

110. The provisions of this Constitution relating to the Governor of a State extend and apply to the Governor for the time being of the State, or other chief executive officer or administrator of the government of the State.

111. The Parliament of a State may surrender any part of the State to the Commonwealth; and upon such surrender, and the acceptance thereof by the Commonwealth, such part of the State shall become subject to the exclusive jurisdiction of the Commonwealth.

112. After uniform duties of customs have been imposed, a State may levy on imports or exports, or on goods passing into or out of the State, such charges as may be necessary for executing the inspection laws of the State; but the new produce of all charges so levied shall be for the use of the Commonwealth; and any such inspection laws may be annulled by the Parliament of the Commonwealth.

113. All fermented, distilled, or other intoxicating liquids passing into any State or remaining therein for use, consumption, sale, or storage, shall be subject to the laws of the State as if such liquids had been produced in the State.

114. A state shall not, without the consent of the Parliament of the Commonwealth, raise or maintain any naval or military force, or impose any tax on property of any kind belonging to the Commonwealth, nor shall the Commonwealth impose any tax on property of any kind belonging to a State.

115. A State shall not coin money, nor make anything but gold and silver coin a legal tender in payment of debts.

116. The Commonwealth shall not make any law for establishing any religion, or for imposing any religious observance, or for prohibiting the free exercise of any religion, and no religious test shall be required as a qualification for any office or public trust under the Commonwealth.

117. A subject of the Queen, resident in any State, shall not be subject in any other State to any disability or discrimination which would not be equally applicable to him if he were a subject of the Queen resident in such other State.

118. Full faith and credit shall be given, throughout the Commonwealth to the laws, the public Acts and records, and the judicial proceedings of every State.

119. The Commonwealth shall protect every State against invasion and, on the application of the Executive Government of the State, against domestic violence.

120. Every State shall make provision for the detention in its prisons of persons accused or convicted of offences against the laws of the Commonwealth, and for the punishment of persons convicted of such offences, and the Parliament of the Commonwealth may make laws to give effect to this provision.

CHAPTER VI

NEW STATES

121. The Parliament may admit to the Commonwealth or establish new States, and may upon such admission or establishment make or impose such terms and conditions, including the extent of representation in either House of the Parliament, as it thinks fit.

122. The Parliament may make laws for the government of any territory surrendered by any State to and accepted by the Commonwealth, or of any territory placed by the Queen under the authority of and accepted by the Commonwealth, or otherwise acquired by the Commonwealth, and may allow the representation of such territory in either House of the Parliament to the extent and on the terms which it thinks fit.

123. 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 State, 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.

124. A new State may be formed by separation of territory from a State, but only with the consent of the Parliament thereof, and a new State may be formed by the union of two or more States or parts of States, but only with the consent of the Parliaments of the States affected.

CHAPTER VII

MISCELLANEOUS

125. 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 shall be in the State of New South Wales, 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.

The Parliament shall sit at Melbourne until it meet at the seat of Government.

126. The Queen may authorise the Governor-General to appoint any person, or any persons jointly or severally, to be his deputy or deputies within any part of the Commonwealth, and in that capacity to exercise during the pleasure of the Governor-General such powers and functions of the Governor-General as he thinks fit to assign to such deputy or deputies, subject to any limitations expressed or directions given by the Queen; but the appointment of such deputy or deputies shall not affect the exercise by the Governor-General himself of any power or function.

CHAPTER VIII

ALTERATION OF THE CONSTITUTION

128. 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 and Territory to the electors qualified to vote for the election of members of the House of Representatives.

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 and Territory qualified to vote for the election of the House of Representatives.

When a proposed law is submitted to the electors the vote shall be taken in such 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.

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 become law unless the majority of the electors voting in that State approve the proposed law.

In this section, "Territory" means any territory referred to in section one hundred and twenty-two of this Constitution in respect of which there is in force a law allowing its representation in the House of Representatives.

SCHEDULE

OATH

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. **SO HELP ME GOD!**

AFFIRMATION

I, *A.B.*, do solemnly and sincerely affirm and declare 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.*)