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## CHAPTER ONE

# PRE-HISTORY TO FEDERATION

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## 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 involved 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 stoneware tools; scrapers were used to fashion further tools out of wood. This continued 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, Aboriginals still maintained the culture of the late Pleistocene period, until subject to the influence of European settlement of the island.

Estimates by anthropologists of the Aboriginal population at the time of European settlement have varied greatly. In 1930, anthropologist Radcliffe-Brown postulated a minimum figure of 300,000, which was officially accepted by the government. Recent archaeological finds suggest that a population of 750,000 could have been sustained. 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 at these ceremonial gatherings led to the wide dispersal of goods. Religious and ceremonial activities relating to the land were a vital part of Aboriginal life. 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 caused, in part, 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.

### Speculation on the Great South Land

The Ancient Greeks, who are said to have believed the world was round, postulated the existence of a Great South Land. The Christian peoples of Middle Ages Europe, for religious reasons however, no longer believed in a global world and saw the earth as flat and bounded by the fiery edges of the equator.

First references to Australia came from the Greeks, the Arabs, the Chinese, the Malays and Indians but are thought to have been largely a product of imagination. To the Malays, for example, the Great South Land though not uninhabited was the Land of the Dead. To the Hindu-Buddhists, who came from the first century A.D. to colonise Sumatra and Java, there were 'islands of gold' to the south of Java and to the south-east of Timor but, like the Middle Ages Christians before them, the beliefs shaped dangers too perilous to confront.

The Chinese recognised the fantasy of these and similar reports which they would certainly have heard of while trading in the area. Their maps show they knew of the Malay peninsula, Sumatra, Java, Bali, Lombok, Timor, the Moluccas, Celebes and Borneo. However, the distances involved were too great and the evidence too small and fanciful, and their primary

aim was to maintain the freedom of their existing trade routes rather than embark on new explorations. By the time they might have felt any incentive to explore further, domestic political changes curtailed their outward growth.

It is unclear whether any of these peoples, constrained as they certainly were by religious, superstitious and domestic political factors, paid visits to Australia. If they did, their knowledge made no impact on the world at large or on the history of Australia. Contacts of that nature are part of our documented history and probably begin with the occurrence of 'Java the Great' in a number of French maps dating from the middle decades of the sixteenth century. Although the significance of 'Java the Great' is hotly debated, so long as the Portuguese are thought to have been possible discoverers of large portions of our continent, one cannot easily dismiss suggestions that the French were here in the sixteenth century also.

### The Portuguese and the Spanish

Theories that place the Portuguese here sometime in the sixteenth century have some support from inconclusive charts and documents but the assumptions rest largely on three points: the extensive exploration undertaken by this highly civilised sea-faring race elsewhere about the globe; the Portuguese obsession with the quest for wealth, knowledge and conversion; and the certainty that the Portuguese debated the issue of a 'terra australis incognita' ('unknown southern land'). Yet hard, clinching evidence of contact is lacking.

Viceroy of Spain's American empire regularly sought new lands. One such expedition left Callao, Peru, in December 1605 under Pedro Fernandez de Quiros, a man of the Counter-Reformation who desired that Catholicism should prevail in the southland. De Quiros reached the New Hebrides and named the island group 'Austrialia del Espiritu Santo' and he and some later Catholic historians saw this as the discovery of Australia. But the more important voyage was probably that of the other ship of the expedition that continued after de Quiros himself was forced to return to the Americas. Under Luis Vaez de Torres, this other ship sailed through Torres Strait but almost certainly failed to sight Australia. Although both de Quiros and de Torres returned to Hispanic America with enthusiastic fervour for further explorations, they both failed to persuade Spanish officialdom to this course.

### Discoveries by the Dutch

A few weeks before de Torres, the Dutch vessel *Duyfken*, after coming along the south coast of New Guinea from the west, swung over to the west coast of Cape York Peninsula in or about March 1606. Under the command of Willem Jansz, the *Duyfken* traversed some 200 miles of the Australian coastline as far as Cape Keer-Weer (Turn Again) without actually discovering Torres Strait. Subsequent visits were made by other Dutch vessels sailing from the Cape of Good Hope to Java which were often carried too far east and hit Australia. The first and most famous of these was Dirk Hartog's *Eendracht*, from which men landed and left a memorial at Shark Bay, Western Australia in October 1616. Hartog was followed by Houtman (1619), Carstensz (1623), Nuyts (1626-27), Thijssen (1627), Pelsaert (1629), Tasman (1642) and others.

Most important of all was the work of Abel Tasman, who was such a well-respected seaman in the Dutch East Indies that Governor-General of the Indies, Anthony van Diemen, commissioned him to undertake a southern exploration. In November 1642, having made a great circuit of the seas, Tasman sighted the west coast of what he called Van Diemen's Land (Tasmania). He then explored New Zealand before returning to Batavia. A second expedition in 1644 contributed to the knowledge of Australia's northern coast, and established the name of 'New Holland' for the southern landmass.

### 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 from Tahiti the transit of Venus, 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, James Cook, after observing the transit of Venus at Tahiti, turned towards New Zealand, sighting that land on 7 October 1769 in the vicinity 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

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 7 February 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.

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## CHRONOLOGICAL TABLE OF MAJOR EVENTS IN AUSTRALIA DURING THE PAST TWO CENTURIES

### 1788

Arrival of 'First Fleet' at Botany Bay. Land in vicinity found unsuitable and the expedition moved to Sydney Cove on 26 January. Formal proclamation of the colony and the establishment of a regular government on 7 February.

### 1790

'Second Fleet' arrives with New South Wales Corps.

### 1791

'Third Fleet' arrives. Territorial seal brought by Governor King.

### 1792

Visit of the first foreign trading vessel, the *Philadelphia*.

### 1793

Arrival of the first free immigrants on the *Bellona*. First Australian church opened in Sydney.

**1795**

First printing press opened in Sydney.

**1797**

Introduction of merino sheep from the Cape of Good Hope. Coal discovered near Newcastle.

**1798**

Tasmania is proved to be an island by the voyage of Bass and Flinders.

**1800**

First Customs House established in Sydney.

**1802**

Discovery of Port Phillip.

**1803**First Australian wool taken to England. Issue of the *Sydney Gazette*, the first Australian newspaper. First settlement at Port Phillip attempted.**1804**

Hobart founded. Abandonment of settlement at Port Phillip.

**1805**

First extensive sheep farm established at Camden by Captain Macarthur.

**1807**

First shipment of merchantable wool from New South Wales to England.

**1809**

Free school established in Sydney.

**1810**

Post Office established in Sydney.

**1813**

Passage of the Blue Mountains discovered by Wentworth, Lawson and Blaxland.

**1814**

The name 'Australia', instead of 'New Holland', suggested by Flinders. Civil courts created.

**1815**

First free settlers arrive in Hobart.

**1816**

Sydney Hospital opened.

**1817**

First bank in Australia—Bank of New South Wales—opened in Sydney.

**1821**

Penal settlement at Macquarie Harbour in Tasmania established.

**1823**

New South Wales Judicature Act passed.

**1824**

New South Wales constituted a Crown Colony. Executive Council formed. Supreme Court at Sydney established, and trial by jury introduced. Penal settlement founded at Moreton Bay, Brisbane.

**1825**

Tasmania proclaimed a separate colony.

**1827**

First official claim of British sovereignty over all Australia.

**1828**

Second Constitution of New South Wales and first census.

**1829**

Foundation of Perth as a settlement on Swan River, Western Australia.

**1830**Publication of *Quintus Servinton*, first novel to be published in Australia.**1831***SS Surprise*, the first steamship built in Australia, launched at Sydney. First coal ship from Newcastle launched. First assisted immigration to New South Wales.**1835**

Foundation of Melbourne.

**1836**

Foundation of Adelaide. Port Phillip (Victoria) district proclaimed as open for settlement.

**1838**

Assignment of convicts discontinued. Settlement at Port Essington, Northern Territory.

**1840**

Transportation of convicts to New South Wales abolished. Moreton Bay (Queensland) opened for free settlement.

**1841**

New Zealand proclaimed a separate colony from New South Wales.

**1842**

Incorporation of Sydney and incorporation of Melbourne.

**1843**

First Representative Constitution of New South Wales.

**1847**

Overland mail established between Sydney and Adelaide.

**1849**

Exodus of population to the goldfields of California. Transportation to Western Australia commenced.

**1850**

Final abolition of transportation to New South Wales. Sydney University founded. Representative government granted to Victoria and Tasmania.

**1851**

Gold discovered in New South Wales. Port Phillip created an independent colony under the name of Victoria. Legislative Council established in Western Australia.

**1852**

Arrival of *Chusan*, first P. & O. mail steamer from England.

**1853**

Transportation to Tasmania abolished. Melbourne University founded.

**1854**

Riots on the Ballarat goldfields and the Eureka Stockade stormed. Telegraph first used. First Australian Railway opened in Victoria.

**1857**

Manhood suffrage and vote by ballot introduced in Victoria.

**1858**

Manhood suffrage and vote by ballot introduced in New South Wales. Sydney, Melbourne and Adelaide linked by telegraph.

Population of Australia reached 1,000,000.

**1859**

Queensland proclaimed a separate colony.

**1860**

Burke and Wills expedition leaves Melbourne.

**1861**

Anti-Chinese riots on goldfields of New South Wales. Regulations introduced on Chinese immigration. Burke and Wills perish at Coopers Creek, South Australia. World's first freezing works built in Sydney, eventually leading to meat exports. First Melbourne Cup held.

**1863**

Intercolonial Conference in Melbourne.

**1864**

First sugar made from Queensland cane.

**1866**

Camels introduced to South Australia.

**1867**

First Royal visit to Australia. Protective tariff imposed.

**1868**

*Hougomont*, the last convict ship arrived in Western Australia.

**1870**

Intercolonial Exhibition held in Sydney. Imperial troops withdrawn from New South Wales. Intercolonial Congress in Melbourne.

**1871**

Permanent military forces raised in New South Wales.

**1872**

Telegraph cable from Java to Port Darwin. Transcontinental telegraph line completed.

**1873**

Intercolonial Conference at Sydney. Mail service with San Francisco inaugurated.

**1874**

Intercolonial Conference at Sydney. University of Adelaide founded.

**1876**

Completion of telegraph cable between Sydney and Wellington, New Zealand.

**1877**

Population of Australia reached 2,000,000.

**1878**

Chinese immigration to Queensland restricted. Telephone introduced to Australia.

**1880**

First telephone exchange opened in Melbourne. Federal Conference at Sydney and Melbourne. Women first admitted to universities.

**1881**

Censuses taken on same date in all colonies for the first time.

**1883**

New South Wales and Victoria linked by railway. Federal Conference held at Sydney.

**1884**

Federation Bill passed in Victoria but rejected in New South Wales. British protectorate declared over New Guinea.

**1885**

Australian contingent sent to the war in Sudan.

**1887**

First 'Colonial' Conference held in London.

**1888**

Railway communication opened between Sydney and Brisbane. World Expo held in Melbourne to commemorate Australia's centenary.

**1889**

A new Constitution framed in Western Australia. Railway communication opened between Melbourne and Adelaide.

Population of Australia reached 3,000,000.

**1890**

Western Australia granted responsible government. Australasian Federation Conference at Melbourne. University of Tasmania founded.

**1891**

First Federal Convention at Sydney, draft Bill framed and adopted. Assisted immigration to New South Wales ceased.

**1893**

Financial crisis in eastern States.

**1894**

Women's suffrage granted in South Australia—first Australian State to do so.

**1895**

Conference of Premiers on Federation at Hobart. Land and income taxes introduced in New South Wales.

**1897–98**

Sessions of Federal Convention at Adelaide, Sydney and Melbourne.

**1898**

Draft Federal Constitution Bill rejected by New South Wales.

**1899**

Australian troops sent to war in South Africa. Conference of Premiers in Melbourne, Federal Constitution Bill amended.

**1900**

Naval troops sent to war in China. Commonwealth Constitution Act received Royal Assent, 9 July. Proclamation of the Commonwealth signed 17 September. Mr (later Sir) Edmund Barton formed the first Federal Ministry. Old age pension instituted in New South Wales.

**1901**

Commonwealth proclaimed at Sydney. First Commonwealth Parliament opened at Melbourne. Interstate free-trade established.

**1903**

The Federal High Court inaugurated.

**1904**

Commonwealth Conciliation and Arbitration Act passed.

**1905**

Census and Statistics Act. Assisted immigration to New South Wales re-introduced.

Population of Australia reached 4,000,000.

**1906**

Papua taken over by the Commonwealth of Australia.

**1907**

First telephone trunk line service between the capital cities. Imperial Conference in London.

**1908**

Canberra chosen as the site of the Australian Capital.

**1909**

Imperial Defence Conference in London. Queensland University founded. The Commonwealth Age Pension Scheme introduced.

**1910**

Penny postage. Australian Notes Act passed and the first Commonwealth notes issued. Arrival of the first vessels built for the Royal Australian Navy, the *Yarra* and the *Parramatta*.

**1911**

First Commonwealth Census taken. The Australian Capital Territory and the Northern Territory transferred to the Commonwealth. Compulsory military training introduced.

**1912**

Commonwealth Bank opened. First payments of Maternity Bonus. University of Western Australia founded.

**1913**

Canberra officially named as the Australian Capital and the foundation stone laid.

**1914**

Norfolk Island transferred to the Commonwealth. War declared in Europe on 4 August. Australian and New Zealand Army Corps (ANZAC) formed. Australia's first aerial mail, flown from Melbourne to Sydney.

**1915**

ANZAC troops landed at Gallipoli, 25 April. Evacuated 18–20 December. Commonwealth Census planned but shelved. Broken Hill Proprietary's Ironworks at Newcastle, New South Wales, opened.

**1916**

Australian and New Zealand mounted troops in Egypt, Palestine and Syria. First proposal for compulsory military service overseas defeated by referendum.

**1917**

Second referendum on conscription for overseas service defeated. Transcontinental railway completed.

**1918**

Australian divisions in France blunt the German offensive. Australia House opened in London. Armistice with Germany, 11 November.

Australia's population reached 5,000,000.



**1919**

Peace Conference. Peace Treaty signed at Versailles, 28 June. Flight from England to Australia by Captain Ross Smith and Lieutenant Keith Smith.

**1920**

Imperial Statistical Conference in London. Qantas began operations.

**1921**

Mandate given to Australia over the Territory of New Guinea. Second Commonwealth Census.

**1922**

Queensland Legislative Council abolished.

**1923**

First Australian radio broadcast.

**1925**

Australian population reached 6,000,000.

**1926**

Council for Scientific and Industrial Research (CSIR) established.

**1927**

Seat of Commonwealth Government transferred from Melbourne to Canberra.

**1929**

Peace-time compulsory military training abolished in favour of a voluntary system.

**1930**

World-wide economic depression reached Australia. First Australian appointed Governor-General of Australia (Rt. Hon. Sir Isaac Alfred Isaacs, G.C.M.G., Chief Justice of the High Court).

**1932**

Sydney Harbour Bridge opened. The Australian Broadcasting Commission established. Imperial Economic Conference held in Ottawa.

**1933**

World Economic Conference held in London. Antarctica and Ashmore and Cartier Islands taken over by the Commonwealth. Third Commonwealth Census.

**1934**

England-Australia Air Mail Service inaugurated.

**1935**

Empire Statistical Conference at Ottawa.

**1936**

Tasmania linked with the mainland by submarine telephone cable.

**1937**

Imperial Conference in London.

**1938**

New trade treaty with Japan.

**1939**

War declared on Germany, 3 September. Australian troops embarked for the Middle East, 15 December.

Australia's population reached 7,000,000.

**1940**

Exchange of Ministers between Australia and the U.S.A. marked Australia's entry into the field of direct diplomatic representation with countries other than the United Kingdom. First Australian convoy sailed for Middle East.

**1941**

Australian Eighth Division arrived in Malaya. Japanese attacked Pearl Harbour, Malaya, Thailand, Hong Kong and the Philippines. Australia declared war on Japan, 9 December. Establishment of Child Endowment scheme.

**1942**

General Douglas Macarthur set up headquarters of South West Pacific Command in Melbourne. Battle of the Coral Sea. Federal uniform taxation adopted. Commonwealth widows' pension introduced.

**1944**

Referendum refused Commonwealth Government increased power in the post-war period.

**1945**

Australia ratified the United Nations Charter. War in Europe ceased, 8 May. War in Pacific ceased, 15 August. Banking Act introduced to regulate banking and to protect the currency and public credit.

**1946**

The Commonwealth Employment Service inaugurated. Trans-Australian Airlines began operations. Constitution Alteration Referendum granted powers with regard to social services to the Commonwealth Government.

**1947**

End of demobilisation. Census of Australia held.

**1948**

Forty-hour week effective throughout Australia. First Holden motorcar produced.

**1949**

Nationality and Citizenship Act operative. Certain Aborigines granted franchise at Federal elections for the first time. Coal miners strike over hours, wages and leave claims. Australian Whaling Commission established. The Snowy Mountains Hydro-electric Power Scheme commenced.

Australia's population reached 8,000,000.

**1950**

Severe floods in New South Wales. Australian forces joined the British Commonwealth Brigade in the Korean War. Conference of Commonwealth Prime Ministers in London.

**1951**

Jubilee celebrations marked the fiftieth year of Australian Federation. Heard Island and the Macdonald Islands transferred to the Commonwealth. Hostilities with Germany officially ceased. Japanese Peace Treaty signed. Third Conference of Government Statisticians of the British Commonwealth held in Canberra.

**1952**

Widespread bushfires in Victoria, New South Wales and the Australian Capital Territory. Third British Commonwealth Scientific Official Conference held in Canberra and Melbourne. Uranium deposits discovered at Rum Jungle, Northern Territory. British detonate atomic weapon on Monte Bello Islands off the north-west coast. British Commonwealth Economic Conference in London.

**1953**

Television Act authorised the establishment of both Government and Commercial television stations. Northern Territory Aborigines given citizenship rights. Atomic Energy Commission established. Korean armistice signed.

**1954**

Australian Census taken. Transfer of Cocos Islands to the Commonwealth proposed. Queen Elizabeth II became the first reigning monarch to visit Australia.

**1955**

Food and Agriculture Organization Conference held in Brisbane. Australian troops sent to Malaya. Cocos (Keeling) Islands became a Commonwealth Territory. First power generated by the Snowy Mountains Hydro-electric Authority.

Australian population reached 9,000,000.

**1956**

Olympic Games held in Melbourne. Bilateral agreement signed between Australia and the U.S.A. for peaceful uses of atomic energy. Regular television transmissions commenced.

**1958**

Lucas Heights nuclear reactor opened near Sydney. Christmas Island transferred to Commonwealth administration.

**1959**

Population reached 10,000,000.

**1960**

Provision made for Social Service benefits to be paid to Australian Aborigines.

**1961**

Oil is discovered in south-west Queensland. Iron-ore deposits estimated at 1,800 million tons discovered at Pilbara, Western Australia. Population Census taken.

**1962**

Commonwealth and Western Australian Electoral Acts amended to provide for votes for Aborigines. Aborigines exercise voting rights in the Northern Territory for first time.

**1963**

Australia signed Nuclear Test Ban Treaty.

Australian population reached 11,000,000.

**1964**

RAN Destroyer *Voyager* sunk in collision. Army send advisors to Vietnam.

**1965**

Royal Australian Mint opened. Australian troops go to war in Vietnam. First trade agreement between Australia and the U.S.S.R. Economic sanctions imposed on Rhodesia.

**1966**

Australia adopted decimal currency. Census of population held. Permanent employment of married women by Australian Government proclaimed.

**1967**

Worst bushfires in the history of Tasmania damaged Hobart and southern Tasmania. New white ensign adopted by the RAN. Australia launched its first satellite at Woomera.

**1968**

Australian population reached 12,000,000.

**1969**

The Arbitration Commission handed down its decision on equal pay for women. Bass Strait under-sea oil piped to shore for the first time.

**1970**

Australia signed the Nuclear Non-Proliferation Treaty. Coal miners in three States are awarded a 35 hour working week. Voting age reduced to 18 in Western Australia.

**1971**

Australia joined the OECD. Population Census held. Australian troops withdrew from Vietnam. Daylight saving adopted in New South Wales, Victoria and the Australian Capital Territory.

**1972**

Female employees received full entitlement to equal pay. Celsius adopted in lieu of the Fahrenheit thermal measure. Australian Labor Party won Federal election for first time in 23 years. Australia established diplomatic relations with the People's Republic of China and the German Democratic Republic.

**1973**

Papua New Guinea attained self-government. All tariffs cut by 25 per cent. First meeting of the Aboriginal Consultative Committee.

**1974**

Major floods and storms caused damage in the eastern States. Cyclone Tracey hits Darwin. Plans announced for maximum security laboratory to protect livestock against exotic diseases. Colour television introduced.

**1975**

Medibank introduced. Federal Parliament dissolved and the Australian Labor Party defeated at a general election on 13 December. Papua New Guinea ceased to be an Australian territory and became an independent nation. Australia Council created.

**1976**

Census of Australia held. Australian Savings Bonds introduced.

Australian population reached 14,000,000.

**1977**

Aboriginal Land Rights Act passed. Granville rail disaster claimed 80 lives.

**1978**

Northern Territory gained self-government. Federal Government recognised the absorption of Timor into Indonesia. 'Boat people' refugees from Indo-China arrived in large numbers.

**1979**

Series of serious strikes in opposition to Fraser Government's economic policies. Severe bushfires threatened Sydney. Tasmanian Hydro-Electric Commission released a report recommending a massive power development scheme in south-west Tasmania, sparking the commencement of the controversial 'Save the Franklin' campaign.

**1980**

Whale Protection Act passed. Multicultural television broadcasting commenced. Drought takes hold across Australia. Fraser Government returned to office.

**1981**

Census of Australia held. (Campbell) Committee of Inquiry into the Australian Financial System recommended deregulation.

Australian population reached 15,000,000.

**1982**

Australian economy depressed. Severe drought in the eastern States. Australian National Gallery opened in Canberra. Commonwealth Games held in Brisbane. Freedom of Information Act became operative.

**1983**

General election held, resulting in an Australian Labor Party victory. Australia won the Americas Cup. Severe bushfires in Victoria and South Australia. Medicare introduced. Prices Surveillance Authority created. Cocos (Keeling) Islanders voted to integrate with Australia. Royal Commission into British Nuclear Tests in Australia established.

**1984**

Nuclear Disarmament Party (NDP) formed. Hawke Government returned to office. Referenda on State/Commonwealth transfer of powers and the simultaneous election of the House of Representatives and the Senate rejected. Parliament increased in size: House of Representatives from 125 to 148 and Senate from 64 to 76. World's first frozen embryo baby born in Melbourne.

**1985**

Ban placed on uranium exports to France. Substantial deregulation of the banking system. Economic summit on tax reform. Split in the Nuclear Disarmament Party (NDP). Report of the Royal Commission into British Nuclear Tests in Australia tabled in Parliament.

**1986**

Constitutional severance from the United Kingdom. Car bomb exploded at Turkish Consulate in Melbourne. Census held. Sighting of Halley's Comet. Twelve miners died in a mine cave-in in Moura, Queensland. Bomb exploded at Melbourne Police Head Quarters. Pope visited Australia. Aussat launched. Australia's population reached 16,000,000.

**1987**

Hawke Government returned to power in July general election. Australia lost Americas Cup. Prime Minister Hawke announced plans to streamline government administration.

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*Sources: Keesing's Contemporary Archives: Record of World Events. The Annual Register: A Record of World Events. Year Book Australia. Acts of the Parliament of the Commonwealth.*

## 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.

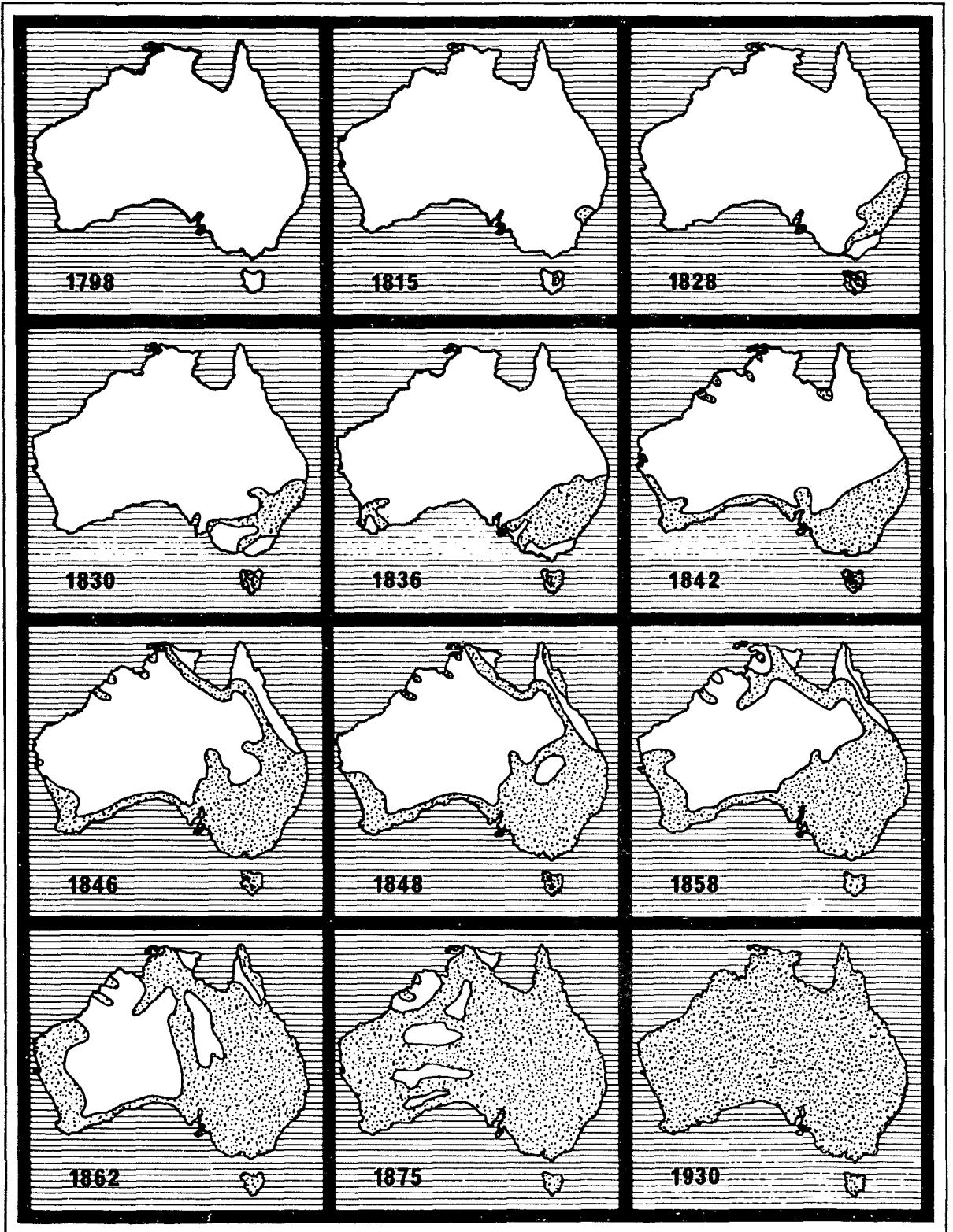
Other minor exploratory journeys in the 1790s and early 1800s included: John Wilson's investigation of various parts of the Southern Highlands of New South Wales, Lieutenant John Shortland's discovery of the Hunter River and the future site of Newcastle, and expeditions by Henry Hacking (1794), George 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 Willian 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.

### The eastern rivers and to the south

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



*This map series shows the work of the explorers at various significant times in Australia's history.*

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 Alexandrina 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 tonnes 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 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.

### **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.

### **North-eastern Australia**

In 1844 Ludwig Leichhardt left Jimbour Station on the Darling Downs, to lead an expedition on an epic fourteen and a half 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. Ironically, 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 to 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 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.

### **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 Kalgan River to within about 60 kilometres of its mouth.

In the 1830s, exploration and settlement were 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 opened 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.

### **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.

### **Tasmania**

In 1793 Lieutenant John Hayes, commander of the *Duke of Clarence* expedition, sailed up the Derwent River to the foot of Mount 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 up 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 Mount 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 federal movement in Australia

Due to the size of the Australian continent and the circumstances surrounding the establishment of the various settlements, the initial tendency was toward individual evolution of the separate colonies. However, it was not long before the importance of intercolonial relationships was clearly recognised.

Governor Fitzroy, in 1846, and Earl Grey, in 1847, saw that there were questions which affected 'Australia collectively, the regulation of which in some uniform manner, and by some single authority, may be essential to the welfare of them all', and a 'central legislative authority for the whole of the Australian colonies' was actually contemplated. Even so far back as 1849, a Privy Council Committee recommended a uniform tariff, and the constituting of one of the Governors as Governor-General of Australia, Sir Charles Fitzroy being actually appointed as 'Governor-General of all her Majesty's Australian Possessions'. The office, however, was nominal rather than actual, and expired in 1861. Dr Lang's idea of 'a great federation of all the colonies of Australia' was put forward in 1852, and a Victorian committee in 1853 advocated the value of a General Assembly of Delegates for the whole of Australia.

The need of union was urged by the *Sydney Morning Herald* in 1854, and although Wentworth sought in 1857 to bring about the creation of a Federal Assembly, a draft 'Enabling Bill' proved unacceptable to Her Majesty's Government. In the same year Mr (afterwards Sir) Charles Gavan Duffy secured the appointment of a select committee of the Victorian Legislative Assembly to consider the necessity of a federal union of the Australasian colonies. The need for such a union was unanimously affirmed, the general opinion being that it should not be longer delayed. In the same year, a select committee of the New South Wales Legislative Council also considered this question, fully recognizing that antagonisms and jealousies were likely to arise through delay.

Union was a fair way towards realisation when the advent of the Cowper Administration destroyed all chance of attaining it, owing to the antagonism of Mr Cowper and Mr (afterwards Sir) James Martin. South Australia, also in the same year, and Queensland in 1859, were both unfavourable to the federal scheme. A second attempt by Mr Duffy to bring about a conference in 1860 failed also.

Tariff differences, however, compelled political attention to the matter, and in 1862 correspondence was opened up by South Australia regarding tariff uniformity. By means of Intercolonial Conferences between 1863 and 1880 some degree of uniformity in legislation



and a measure of concerted administration were realised. In March 1867, Mr (afterwards Sir) Henry Parkes expressed himself as follows:

. . . The time has arrived when these colonies should be united by some federal bond . . . There are questions projecting themselves . . . which cannot be dealt with by . . . individual Governments . . . I believe it will lead to a permanent federal understanding.

### **The Federal Council**

The conference of November–December 1880 and January 1881 recommended the creation of a federal council, believing that the time had not arrived for a federal constitution with a federal parliament. Until 1883, however, every effort proved abortive. In November of that year, a convention, at which the seven colonies and Fiji were represented, met in Sydney. A Bill to establish the Federal Council for Australasia, drafted by Mr (later Sir) Samuel Griffith was, after some modification by a committee of the convention, adopted. In July and August 1884, the Crown was addressed, requesting the enactment of a Federal Council Act. New South Wales and New Zealand, however, endorsed the view of Sir Henry Parkes that a ‘Council’ would impede the way for a sure and solid federation. The Bill, introduced by the Earl of Derby in the House of Lords on 23 April 1885, became law on 14 August as *The Federal Council of Australasia Act 1885*. The Council’s career, however, soon showed that it could not hope to be effective, and it met for the last time in January 1899.

### **Formative stages of the federal movement**

As early as 1878, the necessity for federal defence was vividly brought into Australian consciousness, and arrangements for naval protection were entered into with the Imperial Government. These were ratified by the Australasian Naval Force Act. Queensland, however, did not come into line until 1891.

Early in 1889, Sir Henry Parkes had suggested to Mr Duncan Gillies the necessity for a federal parliament and executive. Unable to accept the latter’s suggestion that New South Wales should give its adhesion to the Federal Council, the former Statesman urged the institution of ‘a National Convention for the purpose of devising and reporting upon an adequate scheme of Federal Government’. This led to the Melbourne Conference of 6 February 1890. It was at the banquet of this occasion that, in proposing ‘A United Australasia’, Mr James Service pointed out that the tariff question was ‘a lion in the path’, which federationists must either slay or by which they must be slain. In the reply Sir Henry Parkes made use of his historic phrase, ‘the crimson thread of kinship runs through us all’. Certain elements of doubt being expressed as to the motives underlying the movement, Sir Henry Parkes said:

We desire to enter upon this work of Federation without making any condition to the advantage of ourselves, without any stipulation whatever, with a perfect preparedness to leave the proposed convention free to devise its own scheme, and, if a central Parliament comes into existence, with a perfect reliance upon its justice, upon its wisdom, and upon its honour . . . I think . . . an overwhelming majority of my countrymen . . . will approve of the grand step . . . uniting all the colonies under one form of beneficent government, and under one national flag.

The first National Australasian Convention, under Sir Henry Parkes’ presidency, was convened on 2 March 1891, all the Australian colonies and New Zealand being represented. The Bill then drafted was considered by the Parliaments of New South Wales, Victoria, South Australia and Tasmania, but not by those of Queensland, Western Australia and New Zealand, and though the parliamentary process of dealing with the matter failed, federal sentiment was strengthening. The collapse of the ‘land boom’ had made apparent how intimately the interests of the several colonies were related, and the dangers of disunion became impressively obvious. The Australian Natives’ Association took up the federal cause with enthusiasm, Federation leagues were established, the issues were widely and intelligently discussed. The unification scheme of Sir George Dibbs helped to make the issue a real one.

At the Conference of Premiers at Hobart on 29 January 1895, it was agreed that Federation ‘was the great and pressing question of Australian politics’, and that ‘the framing

of a Federal Constitution' was an urgent duty. The resuscitation of the whole matter led to the passing of Enabling Acts. In New South Wales, the Act received the Royal assent on 23 December 1895; South Australia anticipated this by three days; the Tasmanian Bill was passed on 10 January 1896; the Victorian on 7 March 1896; Western Australia fell into line on 27 October. The 'People's Federal Convention' held at Bathurst, New South Wales, in November 1896, gave a considerable impulse to the movement; to wait longer for Queensland was considered unnecessary, and 4 March 1897 was fixed as the date for the election of federal representatives for New South Wales, Victoria, South Australia and Tasmania. Western Australia followed suit, and on 22 March the representatives met at Adelaide.

The discussions made it evident that the federal point of view had advanced considerably. Constitutional, Finance, and Judiciary Committees were appointed, and a Bill was drafted. This, reported to the Convention on 22 April, was adopted on the following day, and the Convention adjourned until September. The Parliaments of New South Wales, Victoria, South Australia, Tasmania and Western Australia discussed the question before the Sydney Session of the Convention, which opened on 2 September 1897. The business of the Convention involved the general reconsideration of the whole Bill, and the consideration of no less than 286 suggested amendments. This work gave a definite character to that of the Melbourne Session of 1898, extending from 20 January to 17 March, the necessity for reaching a final decision giving weight to its deliberations.

### Votes on the question of Federation

Eleven weeks after this last convention the first popular vote was taken on Federation in New South Wales, Victoria, South Australia and Tasmania. Though the decision was overwhelmingly in favour of Federation in three of the States, and there was a distinct majority in its favour in New South Wales, the majority was legally insufficient. On 22 January 1899, the Premiers of the six colonies met at Melbourne in a conference initiated by the Right Honourable G. H. Reid, P.C., and seven amendments were made in the Bill. This step virtually effected the solution of the few outstanding difficulties which could in any way be regarded as fundamental.

On the occasion of the second popular vote, Queensland also joined in. The general majority in favour of Federation was more than doubled, that for New South Wales itself having been more than quadrupled when compared with the first vote. The following table shows the two results.

VOTES FOR AND AGAINST FEDERATION

<i>Votes</i>	<i>N.S.W.</i>	<i>Vic.</i>	<i>S.A.</i>	<i>Tas.</i>	<i>Qld</i>	<i>Total</i>
1st Vote For Federation . . . . .	71,595	100,520	35,800	11,797	—	219,712
1st Vote Against . . . . .	66,228	22,099	17,320	2,716	—	108,363
Majority . . . . .	5,367	78,421	18,480	9,081	—	111,349
2nd Vote For Federation . . . . .	107,420	152,653	65,990	13,437	38,488	377,988
2nd Vote Against . . . . .	82,741	9,805	17,053	791	30,996	141,386
Majority . . . . .	24,679	142,848	48,937	12,646	7,492	236,602

### Enactment of the Constitution

The Secretary of State for the Colonies (the Right Honourable Joseph Chamberlain), expressed the hope on 22 December 1899 that a delegation of the federating colonies would visit England on the occasion of the submission of the Commonwealth Bill to the Imperial Parliament. The delegation consisted of Mr (later Sir) Edmund Barton (N.S.W.), Mr Alfred Deakin (Vic.), Mr C. C. Kingston (S.A.), Sir P. O. Fysh (Tas.), and later Mr S. H. Parker was appointed delegate for Western Australia, and Mr W. P. Reeves for New Zealand. After discussion as to whether there should be some modification in the Bill, it was introduced into the House of Commons on 14 May; the second reading was moved on 21 May; the discussion in committee commenced on 18 June; and the Royal assent was given on 9 July 1900.

On 31 July a referendum in Western Australia on the question of federating gave the result:—For, 44,800; against, 19,691; that is to say, a majority of 25,109 in favour of union. On 21 August both Houses of Parliament in that State passed addresses praying that it might be included as an original State of the Commonwealth.

On 17 September 1900, Her Majesty Queen Victoria signed the proclamation declaring that on and after the first day of January 1901, the people of New South Wales, Victoria, South Australia, Queensland, Tasmania and Western Australia should be united in a federal Commonwealth, under the name of the Commonwealth of Australia.

More detail on the federal movement can be found in *Year Book* No. 1.

### The establishment of the Commonwealth of Australia

On 1 January 1901, the designation of 'Colonies'—except in the case of the Northern Territory, to which the designation 'Territory' applied—was 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.

### 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

<i>State or Territory</i>	<i>Year of annexation</i>	<i>Year of first permanent settlement</i>	<i>Year of formation into separate colony or Territory</i>	<i>Year in which responsible government was granted</i>	<i>Present area in km<sup>2</sup></i>
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
<b>Australia . . . . .</b>	..	..	..	(d)	<b>7,682,300</b>

(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 Constitution of the Commonwealth of Australia

### 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.



## THE COMMONWEALTH OF AUSTRALIA CONSTITUTION ACT, 63 & 64 VICTORIA, CHAPTER 12

*An Act to Constitute the Commonwealth of Australia. [9th July, 1900].*

**W**HEREAS 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 . . . . .	23	South Australia . . . . .	6
Victoria . . . . .	20	Tasmania. . . . .	5
Queensland . . . . .	8		

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

New South Wales . . . . .	26	South Australia . . . . .	7
Victoria . . . . .	23	Western Australia . . . . .	5
Queensland . . . . .	9	Tasmania. . . . .	5

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 by 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 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:
- (xxiii) 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 judgements 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:	Lighthouses, lightships, beacons, and buoys:
Naval and military defence:	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 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.

105.—(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 Common-

wealth, 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.)*