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OFFICIAL YEAR BOOK

OF THE

COMMONWEALTH OF AUSTRALIA, 1927,

AND EARLIER YEARS.

CHAPTER I.

DISCOVERY, COLONIZATION, AND FEDERATION OF AUSTRALIA.

§ 1. Early Knowledge of Australia.

1. Introduction.—It is proposed to give here only a brief summary of the more important facts relating to the early history of Australian discovery. A more complete account of this subject, together with bibliographical references thereto, may be found in Year Book No. 1 (pp. 44 to 51), although this account must be modified somewhat in view of later investigations.

2. Early Tradition.—It would appear that there was an early Chaldean tradition as to the existence of an Austral land to the south of India. Rumours to that effect in course of time found their way to Europe, and were probably spread by travellers from Indian seas, more especially by the Greek soldiers who accompanied Alexander the Great [B.C. 356–323] to India. References to this *Terra Australis* are found in the works of Ælianus [A.D. 205–234], Manilius [probably a contemporary of Augustus or Tiberius Cæsar], and Ptolemy [A.D. 107–161]. In some of the maps of the first period of the Middle Ages there is evidence which might warrant the supposition of the knowledge of the existence of a *Terra Australis*, while some idea of the Austral land appears in the maps and manuscripts of the fourteenth and fifteenth centuries. But much of the map-drawing in these early days was more or less fanciful, and there is no evidence definitely connecting this so-called *Terra Australis* with Australia.

3. Discovery of Australia.—(i) *General*.—The Venetian traveller, Marco Polo [1254–1324], refers to a land called *Locac*, which through a misunderstanding of his meaning was long thought to be Australia. But Marco Polo knew nothing of any land to the south of Java, and in any case the description given of the so-called *Locac* could not possibly be applied to Australia, as the writer speaks of elephants, etc. On a *Mappamundi* in the British Museum, of not later date than 1489, there is a coast-line which has been considered to represent the west coast of Australia. Investigation by Wood and others proves this claim to be merely fanciful. Martin Behaim's globe, the C.6034.

oldest known globe extant, constructed in 1492, also shows what purports to be a part of Australia's coast-line, and a globe discovered in Paris bears an inscription to the effect that the *Terra Australis* was discovered in 1499. These also have other countries located in impossible positions. The term *Terra Australis* was, however, also applied to the region now known as Tierra del Fuego, hence little weight can be attached to this reference.

In the Dauphin map [about 1530-1536] Jave la Grande has been supposed by some to represent Australia, but an inspection of the fanciful animals and other figures thereon lends no weight to the idea. As a matter of fact much of this map-drawing was simply an attempt to support the old notion that the land surface of the southern hemisphere must balance that of the northern.

(ii) *Arab Expeditions.* It has been stated that the Arabs had come to Australia long before the Portuguese, the Spanish, or the Dutch, but there is no evidence to support the statement.

(iii) *Spanish and Portuguese Expeditions.* The last decade of the fifteenth century and the commencement of the sixteenth saw numerous expeditions equipped in the ports of Spain and Portugal for the purpose of exploiting the new world. The Portuguese rounded the southernmost cape of Africa, which became known as the Cape of Good Hope, and pushed eastward. The Spaniards, relying on the scientific conclusion that the world was spherical, attempted to get to the east by deliberately starting out west, Magalhaens by so doing reaching the Philippine Islands in 1521.

It may be mentioned that in 1606, Quiros, on reaching the island that has retained the name of Espiritu Santo (the largest island of the New Hebrides group) thought that he had come to this great land of the South, and therefore named the group *La Australia del Espiritu Santo*. Torres, who had been with him, passed through the strait which now bears his name, and proceeded to the Philippine Islands. This voyage marks the close of Spanish activity in the work of discovery in the South Seas.

(iv) *Discoveries by the Dutch.* With the decline of Portuguese and Spanish naval supremacy came the opportunity of the Dutch for discovery. Cornelius Wytfliet's map, of which there was an English edition, published at Louvain in 1597, indicates roughly the eastern and western coasts of Australia, as well as the Gulf of Carpentaria. The following often quoted passage, occurs in Wytfliet's "*Descriptionis Ptolemaicae Augmentum*" "The *Australis Terra* is the most southern of all lands. It is separated from New Guinea by a narrow strait. Its shores are hitherto but little known, since after one voyage and another, that route has been deserted and seldom is the country visited, unless when sailors are driven there by storms. The *Australis Terra* begins at one or two degrees from the equator, and is maintained by some to be so great in extent that, if it were thoroughly explored, it would be regarded as a fifth part of the world."

The Dutch East India Company, in 1605, sent the *Duyffken* from Bantam to explore the Islands of New Guinea. During March in the following year the *Duyffken* coasted along the southern shores of New Guinea, and followed the west coast of Cape York peninsula as far as Cape Keer-Weer (Turn again). Dirck Hartogs (on the plate in the Amsterdam Museum recording his voyage the name is written Dirck Hatches), in the *Eendracht* in 1616, sailed along a considerable part of the west coast of the Continent. It may be mentioned that the route was not definitely selected, but that the navigator simply went further East than the usual course from the Cape to Java.

In 1618 the *Zeewolf* found land in lat. 20° 15' south, and in the following year Frederik Houtman discovered the reef off the west coast, now known as *Houtman's Abrolhos*.

In 1622 the Dutch vessel *Leeuwin* rounded the Cape, which now bears that name, at the south-west of the continent, and in 1623 the Dutch vessels *Pera* and *Arnhem*

discovered Arnhem Land, the peninsula on the western side of the Gulf of Carpentaria, which was so named in compliment to Peter Carpentier, Governor of the Dutch East India Company.

In 1627, Francis Thysz, commander of the *Gulde Zeepaerd*, with Pieter Nuyts, of the Dutch Council of Seventeen, on board, coasted along a portion of the shore of the Great Australian Bight. In 1628, De Witt, commander of the *Vianen*, discovered land on the north-west, viz., in about latitude 21° S. The *Batavia*, commanded by Francis Pelsart, was wrecked on the western coast of Australia in 1629. Pelsart was the first to carry to Europe an authentic account of the west coast of Australia, which, however, he described in the most unfavourable terms. The yachts *Amsterdam* and *Wesel*, under Gerrit Pool, visited the Gulf of Carpentaria in 1636.

Abel Janszoon Tasman, in command of two vessels, the *Heemskerck* and *Zeehaen*, set out from Batavia in 1642 to ascertain the extent of the great southern continent. He named Van Diemen's Land, imagining it to be part of Australia proper, and sailing north-easterly discovered New Zealand and returned to Batavia. In his second voyage in 1644, Tasman visited the northern coast of Australia, sailing round the Gulf of Carpentaria and along the north-west coast as far down as the Tropic of Capricorn. The period of Dutch discoveries may be said to have ended with Tasman's second voyage, and, with the decline of Dutch maritime power, their interest in Australian discovery vanished. It may, however, be pointed out that William de Vlamingh landed at the mouth of the Swan River at the end of 1696.

4. Discoveries by the English.—The north-western shores of Australia were first visited by William Dampier, in the *Cygnets*, in 1688. In describing the country, Dampier stated that he was certain that it joined neither Asia, Africa, nor America. In 1699 he again visited Australia, in command of H.M.S. *Roebuck*, and on his return to England published an account in which a description is given of trees, flowers, birds, and reptiles observed, and of encounters with natives.

It was a question at the end of the seventeenth century whether Tasmania and New Zealand were parts of Australia, or whether they were separated from it, but themselves formed part of a great Antarctic Continent. Lieutenant James Cook's first voyage, though primarily undertaken for the purpose of observing the transit of Venus from Otaheite, had also for its objective to ascertain whether the unexplored part of the southern hemisphere were only an immense mass of water, or contained another continent. In command of H.M.S. *Endeavour*, a barque of 370 tons burthen, carrying about eighty-five persons, and accompanied by Sir Joseph Banks, Dr. Solander the naturalist, Green the astronomer, draughtsmen, and servants, Cook, after observing the transit of Venus at Otaheite, turned towards New Zealand, sighting that land on the 8th October, 1769, in the neighbourhood of Poverty Bay. Circumnavigating the North and South Islands, he proved that New Zealand was connected neither with the supposed Antarctic continent nor with Australia, and took formal possession thereof in the name of the British Crown. On the 20th April, 1770, at 6 a.m., Cook sighted the Australian mainland at a place he called Point Hicks, naming it after his first-lieutenant, who first saw it. Coasting northwards, Botany Bay was discovered on the 29th April, 1770. The *Endeavour* dropped anchor and Cook landed on the following day. On the 2nd May, 1770, a seaman named Sutherland died and was taken ashore to be buried; he was probably the first British subject buried on Australian soil. Cook sailed along the coast in a northerly direction for nearly 1,300 miles until the 12th June, 1770, when the *Endeavour* was seriously damaged by striking a coral reef in the vicinity of Trinity Bay. Repairs occupied nearly two months, and the *Endeavour* then again set her course to the north, sailing through Torres Straits and anchoring in the Downs on the 14th June, 1771. In 1772, Cook was put in command of the ships *Resolution* and *Adventure*, with a view of ascertaining whether a great southern continent existed, and having satisfied himself that, even if it did, it lay so far to the south as to be useless for trade and settlement, he returned to England in 1774. Cook's last voyage was undertaken in 1776, and he met his death on the 14th February, 1779, by which date practically the whole coast of Australia had been explored. The only remaining discovery of importance was the existence of a channel between Tasmania and Australia. This was made by Flinders and Bass in 1798.

§ 2. The Annexation of Australia.

1. **Annexation of Eastern Part of Australia, 1770.**—Although representatives of the nations mentioned in the previous section landed or claim to have landed on the shores of Australia on various occasions during the sixteenth and seventeenth centuries, it was not until the 23rd August, 1770, that the history of Australia was brought into definite political connexion with western civilization. It was on that date that Captain Cook took possession "of the whole eastern coast, from lat. 38° to this place, lat. 10½° S., in right of His Majesty King George the Third." Cook, however, proclaimed British sovereignty only over what are now the eastern parts of New South Wales and Queensland, and formal possession, on behalf of the British Crown, of the whole of the eastern part of the Australian Continent and Tasmania was not taken until the 26th January, 1788. It was on this last date that Captain Phillip's commission, first issued to him on the 12th October, 1786, and amplified on the 2nd April, 1787, was read to the people whom he had brought with him in the "First Fleet."

A full historical account of the period referred to may be found in the "Historical Records of New South Wales," vol. I., parts 1 and 2.

2. **Original Extent of New South Wales.**—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 latitudes aforesaid of ten degrees thirty-seven minutes south and forty-three degrees thirty-nine minutes south."

Although in November, 1769, Captain Cook had taken possession of the North Island of New Zealand, and in January, 1770, also of the South Island, it is a matter of doubt whether, at the time when Captain Phillip's commission was drawn up, New Zealand was considered as one of the "islands adjacent in the Pacific Ocean." The facts that under the Supreme Court Act (Imperial) of 1823, British residents in New Zealand were brought under the jurisdiction of the court at Sydney, while in 1839 there was a proposal on the part of the British Government to appoint a consul in New Zealand, would leave this an open question, as nothing more than extra-territorial jurisdiction may have been intended. Various hoistings of flags notwithstanding, New Zealand does not appear to have unequivocally become British territory until 1840. In that year, on the 29th January, Captain Hobson arrived at the Bay of Islands. On the following day he read the commission, which extended the boundaries of the colony of New South Wales so as to embrace and comprehend the Islands of New Zealand. On the 5th February, the Treaty of Waitangi, made with the native chiefs, was signed. Finally, on the 21st May, British sovereignty over the islands of New Zealand was explicitly proclaimed. From that date until the 3rd May, 1841, New Zealand was a dependency of New South Wales.

3. **Extension of New South Wales Westward, 1825.**—On the 17th February, 1824, Earl Bathurst advised Sir Thomas Brisbane that he had recommended to His Majesty the despatch of a ship of war to the North-west Coast of New Holland for the purpose of taking possession of the coast between the Western Coast of Bathurst Island and the eastern side of Coburg Peninsula. Captain James J. Gordon Bremer of H.M.S. *Tamar*, who was selected for this purpose, took possession on the 20th September, 1824, of the coast from the 135° to the 129° east longitude. On the 16th July, 1825, the whole territory between those boundaries was described in Darling's Commission as being within the boundaries of New South Wales, thus increasing its area by 518,134 square miles, and making it, including New Zealand and excluding Tasmania, 2,076,308 square miles, or also excluding New Zealand, 1,972,446 square miles.

4. **Annexation of Western Australia, 1827.**—An expedition, sent by Lieut.-General Sir Ralph Darling, then Governor of New South Wales, under Major Lockyer, to found a settlement at King George III. Sound, sailed from Sydney on the 9th November, 1826.

landed at the Sound on the 26th December following, and hoisted the British flag. Captain Stirling, in command of H.M.S. *Success*, arrived at Sydney a few weeks after the departure of the expedition to King George's Sound. He obtained the Governor's permission to visit Swan River with the view to seizing a position on the Western Coast and reporting upon its suitability as a place of settlement. Captain Stirling left Sydney on the 17th January, 1827, and on his return in the following April submitted a glowing report on what he described as a "rich and romantic country," urging its occupation for the purpose of settlement. He left England in July, 1827, continuing his advocacy—notwithstanding much discouragement—with unabated enthusiasm. He was at last successful, the result being mainly due to the formation of an association of prospective settlers having capital at their disposal. He was appointed Lieut.-Governor, and with a party of settlers arrived at Garden Island, near the Swan River, in the ship *Parmelia*, in June, 1829. On the 2nd of the preceding month Captain Fremantle, in command of H.M.S. *Challenger*, arrived and hoisted the British flag on the South Head of Swan River, again asserting possession of "all that part of New Holland, which is not included within the territory of New South Wales." Thus, before the middle of 1829, the whole territory now known as the Commonwealth of Australia had been constituted a dependency of the United Kingdom.

§ 3. The Creation of the Several Colonies.

1. **New South Wales as Original Colony.**—In Governor Phillip's commission of 1786, the mainland of Australia was divided by the 135th meridian of east longitude into two parts. The earliest colonists believed that Van Diemen's Land—the present State of Tasmania—was actually joined to the mainland, and it was not till 1798 that the contrary was known. In that year, by sailing through Bass Straits, Flinders and Bass proved that it was an island. The territory of New South Wales, as originally constituted, and of New Zealand, which may be included, although Cook's annexation was not properly given effect to until 1840, was thus :—

| | Square Miles. |
|---|---------------|
| Australia, east of meridian 135° E. | 1,454,312 |
| Van Diemen's Land | 26,215 |
| New Zealand | 103,862 |
| Total | 1,584,389 |

The western part of Australia, not then annexed, comprised 1,494,054 square miles.

2. **Separation of Van Diemen's Land, 1825.**—In 1825, Van Diemen's Land, as Tasmania was then called, was politically separated from New South Wales, being constituted a separate colony on the 14th June of that year. This reduced the area of New South Wales and its territorial dependencies by 26,215 square miles, that is, to 1,558,174 square miles.

3. **Western Australia constituted a Colony, 1829.**—The territory westward of the 129th meridian, which comprised 975,920 square miles and was formerly not included in New South Wales, constituted the area of Western Australia, now one of the six States of the Commonwealth. It was distinct and independent of New South Wales; though until 1831, the settlement on King George's Sound remained under the latter jurisdiction. The Australian colonies at this time were as indicated in the following table :—

| Colony. | Date of Annexation. | Date of Creation. | Date of First Permanent Settlement. | Area Square Miles. |
|---|---------------------|-------------------|-------------------------------------|--------------------|
| New South Wales (including New Zealand) | 1770 | 1786 | 1788 | 2,076,308 |
| Van Diemen's Land | | | 1803 | |
| Western Australia | 1827 | 1829 | 1829 | 975,920 |

4. **Creation of South Australia as a Province, 1836.**—On the 15th August, 1834, the Act 4 and 5 William IV., cap. 95, was passed, creating South Australia a “province,” and towards the end of the year 1836 settlement took place. The first Governor, Captain Hindmarsh, R.N., arrived at Holdfast Bay on the 28th December, 1836, and on the same day the new colony was officially proclaimed. The new colony embraced 309,850 square miles of territory, which, lying south of the 26th parallel of south latitude, and between the 141st and 132nd meridians of east longitude, was up to that time included within the territory of New South Wales. Thus the area of New South Wales and New Zealand was reduced to 1,766,458 square miles.

5. **Separation of New Zealand, 1840.**—New Zealand, nominally annexed by Captain Cook and formally declared by proclamation in 1840 as a dependency of New South Wales, was, by letters patent of the 16th November of that year, constituted a separate colony under the powers of the Act 3 and 4 Vic., cap. 62, of the 7th August, 1840. Proclamation of the separation was made on the 3rd May, 1841. The area of the colony is 103,862 square miles. This separation reduced the political territory of New South Wales to 1,662,596 square miles.

6. **The Colony of Northern Australia, 1847.**—In the year 1846, when the British Government was experiencing difficulty as regards the transportation of convicts, an attempt was made by Mr. Gladstone, then Colonial Secretary, to establish a purely penal colony, without free settlers (at least at the outset), to be called Northern Australia. This colony did not succeed in securing a permanent place on the map, though its intended metropolis was successfully established and still bears Mr. Gladstone’s name. The new colony comprised such of the territories of the colony of New South Wales as lay to the northward of latitude 26° S. Sir Charles Fitzroy, then Governor of New South Wales, was by letters patent appointed Governor of Northern Australia, the actual administration being left in the hands of a Superintendent, who was to be implicitly guided by instruction from the Governor. At the same time Northern Australia was constituted a separate colony under its own Government, although the authority which the Secretary of State for the Colonies would otherwise exercise had been deputed in the first instance to the Governor of New South Wales. In the *London Gazette* of the 8th May, 1846, Colonel Barney, R.E., was appointed Lieutenant-Governor of Northern Australia, and on the 25th January, 1847, he reached Port Curtis, accompanied by other public officers of the new colony. On the 30th January, the ceremony of swearing in the officials of Northern Australia was proceeded with, and on the same day the first *Government Gazette* of the new colony was issued in manuscript. This gazette contained a formal proclamation to the effect that all the land lying to the north of latitude 26° S. should thereafter be known as Northern Australia, and specified the names of the members of the Executive and Legislative Councils of the new colony. The headquarters of the Superintendent and other officials were established at Gladstone, although no other steps appear to have been taken towards securing a permanent settlement. In July, 1846, when Earl Grey succeeded Mr. Gladstone as Secretary of State for the Colonies, one of his first official steps was the complete reversal of the policy of his predecessor with respect to the founding of the new colony of Northern Australia, and by a dispatch dated the 15th November, 1846, Sir Charles Fitzroy was informed that the letters patent under which the new colony was constituted had been revoked. This news was received at Gladstone on the 15th April, 1847, and on the 9th May following the settlement was broken up. The territories comprised in the Colony of Northern Australia then reverted to New South Wales.

7. **Separation of Victoria, 1851.**—In 1851, what was known as the “Port Phillip District” of New South Wales, was constituted the Colony of Victoria, “bounded on the north and north-west by a straight line drawn from Cape Howe to the nearest source of the River Murray, and thence by the course of that river to the eastern boundary of the colony of South Australia.” The area of the new colony was 87,884 square miles, and its separate existence took effect from the 1st July, 1851, upon the issuing of the writs for the first election of elective members of the Legislative Council; this reduced the territory of New South Wales to 1,574,712 square miles.

8. **Separation of Queensland, 1859.**—The northern squatting districts of Moreton, Darling Downs, Burnett, Wide Bay, Maranoa, Leichhardt, and Port Curtis, together with the reputed county of Stanley, were granted an independent administration and formed

into a distinct colony under the name of Queensland, by letters patent dated the 6th June, 1859, although separation from New South Wales was not consummated until the 10th December of the same year, upon the assumption of office of the first Governor. The territory originally comprised in the new colony was described in the letters patent as being so much of the colony of New South Wales as lies northwards of a line commencing on the sea coast at Point Danger, in latitude about 28° 8' south, running westward along the Macpherson and Dividing Ranges and the Dumaresq River to the MacIntyre River, thence downward to the 29th parallel of south latitude, and following that parallel westerly to the 141st meridian of east longitude, which is the eastern boundary of South Australia, together with all the adjacent islands, their members, and appurtenances in the Pacific Ocean. The area of the new colony thus constituted was 554,300 square miles. By this separation the remaining territory of New South Wales was divided into two parts, one of 310,372 square miles, of which 309,432 square miles constitute the present State of New South Wales, and 940 square miles the Federal Capital Territory. The other area comprised 710,040 square miles, of which 116,200 square miles form now a part of Queensland, 523,620 square miles form the Northern Territory, and 70,220 square miles form now a part of South Australia.

9. **The Colonies at the Close of 1859.**—Since the separation of Queensland, no other creation of colonies has taken place in Australia, though the boundaries of New South Wales, Queensland, and South Australia were altered later. The dates of foundation of the Australasian colonies, and their areas at the close of 1859, were therefore as hereunder:—

AUSTRALASIAN COLONIES AS AT THE CLOSE OF 1859.

| Colony. | Date of Annexation. | Date of Creation. | Date of First Permanent Settlement. | Area— Square miles. |
|-------------------------|---------------------|-------------------|-------------------------------------|------------------------|
| New South Wales | 1770 | 1786 | 1788 | 1,020,412 |
| Tasmania | 1770 | 1825 | 1803 | 26,215 |
| South Australia | 1770 | 1834 | 1836 | 309,850 |
| Victoria | 1770 | 1851 | 1834 | 87,884 |
| Queensland | 1770 | 1859 | 1824 | 554,300 |
| Western Australia | 1827 | 1829 | 1829 | 975,920 |
| New Zealand | 1840 | 1841 | 1814 | 103,862 (a) |

(a) Including butlying and annexed islands.

10. **The Changing Boundaries of the Colonies.**—When, on the 15th August, 1834, the Imperial Government constituted the province of South Australia, there lay between its western boundary and the eastern boundary of Western Australia (as proclaimed by Fremantle in 1829) a strip of country south of the 26th parallel of south latitude, and between the 132nd and 129th meridians of east longitude, legally included within the territory of New South Wales. The area of this territory, frequently but improperly referred to as “No Man’s Land,” has been calculated to cover approximately 70,220 square miles. On the 10th October, 1861, by the authority of the Imperial Act 24 and 25 Vic., cap. 44, the western boundary of South Australia was extended so as to cover this strip, and to coincide with the eastern boundary of Western Australia—the 129th meridian. By letters patent dated the 13th March, 1861, forwarded by the Colonial Secretary to the Governor of Queensland on the 12th April, 1862, the area of Queensland was increased by the annexation of “so much of the colony of New South Wales as lies to the northward of the 26th parallel of south latitude, and between the 141st and 138th meridians of east longitude, together with all and every the adjacent islands, their members, and appurtenances, in the Gulf of Carpentaria.” The area of South Australia was therefore increased by 70,220 square miles, and became 380,070 square miles, while the area of Queensland increased by 116,200 square miles, became 670,500 square miles. Nearly two years after the accession of territory, viz., on the 6th July, 1863, the Northern Territory, containing 523,620 square miles—also formerly a part of New South Wales—was, by letters patent, brought under the jurisdiction of South Australia, which therefore

controlled an area of 903,690 square miles; whilst that of New South Wales was diminished by these additions to South Australia, and by the separation of the colonies of New Zealand, Victoria and Queensland, till its area became only 310,372 square miles. The territories of Tasmania, Western Australia, and the three other separated colonies with the exception of some minor islands added to Queensland, remain as originally fixed.

11. **The Colonies in 1900.**—From what has been said in the previous sub-section it will be seen that the immense area generally known as Australasia had by 1863 been divided into seven distinct colonies, the combined areas of which amounted to 3,078,443 square miles.

§ 4. Establishment of the Commonwealth of Australia.

1. **General.**—On the 1st January, 1901, the colonies mentioned, with the exception of New Zealand, were federated under the name of the "Commonwealth of Australia," the designation of "Colonies"—excepting in the case of the Northern Territory, to which the designation "Territory" is applied—being at the same time changed into that of "States." The total area of the Commonwealth of Australia is, therefore, 2,974,581 square miles. The dates of creation and the areas of its component parts, as determined on the final adjustment of their boundaries, are shown in the following table:—

THE COMMONWEALTH OF AUSTRALIA.—AREA, ETC., OF COMPONENT PARTS.

| State. | Year of Formation into Separate Colony. | Present Area in Square Miles. | State. | Year of Formation into Separate Colony. | Present Area in Square Miles. |
|--------------------|---|-------------------------------|--------------------------------|---|-------------------------------|
| New South Wales(a) | 1786 | 310,372(a) | Tasmania .. | 1825 | 26,215 |
| Victoria .. | 1851 | 87,884 | Northern Territory | 1863 | 523,620 |
| Queensland .. | 1859 | 670,500 | | | |
| South Australia .. | 1834 | 380,070 | (b)Area of the Commonwealth .. | .. | 2,974,581 |
| Western Australia | 1829 | 975,920 | | | |

(a) On the 1st January, 1911, the Federal Capital Territory embracing an area of 912 square miles was taken over by the Commonwealth from the State of New South Wales, and on 12th July, 1915, assent was given to an Act taking over a further area of 28 square miles at Jervis Bay; the area of that State therefore is now 309,432 square miles.

(b) The present Dominion of New Zealand became a separate colony in 1841. The addition of its area, 103,862 square miles, to the total shown in the table above, gives a total for Australasia of 3,078,443 square miles as referred to in § 3, 11.

2. **Transfer of the Northern Territory to the Commonwealth.**—On the 7th December, 1907, the Commonwealth and the State of South Australia entered into an agreement for the surrender to and acceptance by the Commonwealth of the Northern Territory, 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 (assented to on the 14th May, 1908), and by the Commonwealth Parliament under the Northern Territory Acceptance Act 1910 (assented to on the 16th November, 1910). The Territory accordingly was transferred to the Commonwealth by proclamation on the 1st January, 1911.

3. **Transfer of the Federal Capital Territory to the Commonwealth.**—On the 18th 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 912 square miles 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 the 5th December, 1910, a proclamation was issued vesting the Territory in the Commonwealth on and from the 1st January, 1911. By the Jervis Bay

Territory Acceptance Act 1915, which was assented to on 12th July, 1915, an area of 28 square miles at Jervis Bay, surrendered by New South Wales according to an agreement made in 1913, was accepted by the Commonwealth.

4. *Transfer of British New Guinea or Papua.*—Under the administration of the Commonwealth, but not included in it, is British New Guinea or *Papua*, finally annexed by the British Government in 1884. This territory was for a number of years administered by the Queensland Government, but was transferred to the Commonwealth by proclamation on the 1st September, 1906, under the authority of the Papua Act (Commonwealth) of 16th November, 1905. The area of Papua is about 90,540 square miles.

5. *Transfer of Norfolk Island.*—Although administered for many years by the Government of New South Wales, this island was, until 1st July, 1914, a separate Crown colony. On that date it was taken over by the Federal Parliament as a territory of the Commonwealth.

§ 5. The Exploration of Australia.

1. *Introduction.*—A fairly complete, though brief, account of the Exploration of Australia was given in Year Book No. 2 (pp 20 to 39). It is proposed to give here only a brief summary of the more important facts relating to the subject.

2. *Eastern Australia.*—(i) *General.* The first steps towards the exploration of New South Wales were taken by Captain Phillip and his officers, who, during 1788 and the years immediately following, made a number of excursions in the neighbourhood of Port Jackson, to Broken Bay, and along the Hawkesbury and Nepean Rivers.

(ii) *French Voyages of Exploration, 1788 to 1802.* Towards the close of the 18th century the French, who were supposed to covet territory in Australia, sent out several exploring expeditions. In 1788 two vessels under the command of Lapérouse put into Botany Bay to refit. In 1792 the French Admiral D'Entrecasteaux was in Australian waters with two vessels and discovered and named several places on the Tasmanian coasts. In 1800 an expedition, sent out by the French Republic, examined parts of the coasts of Van Diemen's Land and South Australia. It was chiefly in consequence of rumours to the effect that the French intended to establish a colony in Australia, that steps were taken by the British to form settlements at various places on the Australian coasts.

(iii) *Bass and Flinders, 1796 to 1803.* In 1796 and 1797 Bass and Flinders explored the coast in a southerly direction from Port Jackson as far as Western Port. In 1798 Bass, accompanied by Flinders and eight seamen, circumnavigated the island of Tasmania thus proving the existence of the strait which now bears his name. In 1801 Flinders again came to Australia in command of H.M.S. *Investigator*, which was the first vessel to completely circumnavigate the Australian continent.

(iv) *Discovery of Port Phillip, 1802.* On the 5th January, 1802, Lieutenant Murray, who had been sent out to trace the coast between Point Schanck and Cape Otway, sighted the entrance to Port Phillip, which, however, he did not enter, owing to stress of weather, until the 15th February. Shortly afterwards Flinders entered Port Phillip, and in 1803 Charles Robbins explored the Yarra for some miles above the present site of Melbourne.

(v) *The Blue Mountains Crossed, 1813.* In 1813 Gregory Blaxland succeeded in effecting a passage over the Blue Mountains, which had previously proved an impassable barrier to all attempts to extend the infant colony in a westerly direction. G. W. Evans, following on Blaxland's tracks, soon penetrated further inland and discovered and named the Fish, Campbell, Macquarie, and Lachlan Rivers. In 1817 and 1818 John Oxley, Allan Cunningham, Charles Frazer, and others explored a considerable part of the Lachlan and Macquarie Rivers, and discovered and named the Castlereagh River, the Arbuthnot Range, the Liverpool Plains, the Hastings River, and Port Macquarie.

(vi) *Hamilton Hume, 1814 to 1824.* In 1816 Hamilton Hume, who two years previously had explored the country round Berrima, discovered and named the Goulburn Plains and Lake Bathurst. In 1824, accompanied by William Hilton Hovell, Hume

starting off from Lake George, reached the Murrumbidgee and sighted the Snowy Mountains. On the 16th December, 1824, he reached the Southern Ocean at the spot where Geelong now stands. This expedition had a great and immediate influence on the extension of Australian settlement.

(vii) *Allan Cunningham, 1817 to 1829.* In 1823 Cunningham, who had accompanied Oxley in 1817, discovered and named Pandora's Pass, leading to the Liverpool Plains from the Upper Hunter, and in 1827 he discovered the Darling Downs.

(viii) *Charles Sturt, 1828 to 1830.* In 1828 the Darling River was discovered by Sturt, who in the following year explored the Murray River, tracing it to its mouth at Lake Alexandrina in Encounter Bay. Sturt thus connected his overland journey with the discoveries of Flinders and other coastal explorers. In the meantime discovery on the Australian coasts had been followed up by Captains Wickham and Stokes in H.M.S. *Beagle*.

(ix) *Sir Thomas Mitchell, 1831 to 1846.* In 1831 Mitchell discovered the lower courses of the Peel (Namoi), Gwydir, and Dumaresq Rivers, and identified the Upper Darling. Two years later he explored the country between the Bogan and Macquarie Rivers, and in 1835 he traced the Darling 300 miles down from Bourke. In 1836 he ascended the Murray and Loddon Rivers and discovered the Avoca, the Campaspe, and the Wimmera Rivers, reaching the coast near Cape Northumberland. On his return journey Mitchell visited Portland Bay, where he found the Henty family established, and ascending Mount Macedon, he saw and identified Port Phillip. In 1845 and 1846 Mitchell again set out, accompanied by Edmund B. Kennedy, and explored the Narran, Balonne, and Culgoa Rivers. Ascending the Balonne, he turned westward, exploring the Maranoa and the Warrego. Proceeding to the north he then discovered the Belyando and the Barcoo Rivers.

(x) *McMillan, Strzelecki, Leslie and Russell, 1839 to 1841.* In the meantime other explorers had been in the field and had made numerous discoveries. In 1839 and 1840 Angus McMillan discovered and named Lake Victoria, the Nicholson, Mitchell, and Macallister Rivers, and explored the country as far as the Latrobe River. In 1840 Strzelecki discovered Mount Kosciusko, the Latrobe River, and Lake King. In 1840 and 1841 Patrick Leslie and Stuart Russell explored the Condamine River.

(xi) *Leichhardt, 1844 to 1845.* In 1844 and 1845 Ludwig Leichhardt made a number of discoveries. Leaving the Condamine River he discovered the Dawson River, Peak Downs, the Planet and Comet Rivers, and Zamia Creek. Later on he found and named the Mackenzie, Isaacs, Suttor, Burdekin, Lynd, Mitchell, Leichhardt, Nicholson, McArthur and Roper Rivers, and after exploring part of the coast of the Gulf of Carpentaria, reached the settlement of Victoria at Port Essington. In 1848 Leichhardt equipped another expedition and set out from the Cogoan. No sure clue as to his fate or as to the fate of his companions has ever come to light.

(xii) *Kennedy, 1847 to 1848.* In 1848 Edmund Kennedy, who had accompanied Mitchell in 1845 and 1846, and who had further explored the Barcoo and Victoria Rivers in 1847, attempted to make his way up the eastern coast of Cape York Peninsula. After great hardships he reached the Escape River, where he was murdered by the blacks.

(xiii) *A. C. Gregory, 1846 to 1858.* A. C. Gregory's earliest explorations were in Western Australia, where in 1846 he discovered Lake Moore. In 1855 Gregory explored the Fitzmaurice and Victoria Rivers and Sturt's Creek. He examined the Gilbert River and its tributaries, and made his way in a westerly direction across to Brisbane. In 1858 Gregory explored the districts near the Barcoo and Thompson Rivers, Strzelecki's Creek and Lake Blanche.

(xiv) *Later Exploration of the North East, 1859 to 1872.* After Kennedy's ill-fated expedition the main portion of Eastern Australia was fairly well known. Certain parts of what is now Queensland, however, still remained unexplored. These were examined by G. E. Dalrymple in 1859, by Frederick Walker in 1862, by Frank and Alex. Jardine in 1864, and by William Hann in 1872. Hann discovered the Tate, Walsh, Palmer and Normanby Rivers. This expedition practically completed the exploration of Eastern Australia. The gold discoveries on the Palmer River in Queensland, following soon after, led to a considerable amount of minor exploration being carried out by prospectors whose labours, are, however, unrecorded.

3. Central Australia.—(i) *General*. In 1836 Colonel Light surveyed the shores of St. Vincent's Gulf, and selected the site for the settlement of Adelaide. In the same year Mitchell had succeeded in travelling overland from the Darling to Cape Northumberland, and the settlers found little difficulty in driving stock from various parts of New South Wales to the new country. A great deal of minor exploration was done by these pioneers, the first of whom to lead the way across to the Port Phillip settlement with sheep in 1837 was Charles Bonney. In 1838 the overlanding of stock was extended to Adelaide by Joseph Hawdon.

(ii) *Eyre, 1838 to 1841*. In 1841 Edward John Eyre, who had previously discovered Lake Hindmarsh, and had explored the country to the north-east of Spencer's Gulf, succeeded, after great hardship, in reaching Albany overland from Adelaide. After this expedition settlers soon spread in a northerly direction from Adelaide, and various expeditions in search of grazing country were carried out by these pioneers.

(iii) *Sturt's Later Explorations, 1844 to 1845*. In 1844 Charles Sturt, whose explorations in Eastern Australia have already been referred to, set out from the Darling on an expedition to reach the centre of the continent. He reached his furthest point in latitude 24° 30' S. and longitude 137° 58' E. in September, 1845, and, after enduring great privations, was compelled to retreat through want of water.

(iv) *Stuart, 1858 to 1862*. John MacDouall Stuart accompanied Captain Sturt on his last expedition. After minor explorations in the vicinity of Lake Eyre, Stuart made an unsuccessful attempt to cross the continent from south to north in 1860. After discovering the Frew, Finke, and Stevenson Creeks, Chambers Pillar, and the McDonnell Range, he camped at the centre of Australia on the 22nd April, 1860. In the following year Stuart was placed in command of an expedition equipped by the South Australian Government, and succeeded in crossing the continent, reaching the sea at Chambers Bay on the 25th July, 1862.

(v) *Burke and Wills Expedition, 1860 to 1861*. In 1860 Robert O'Hara Burke and William Wills led an expedition northward from Melbourne to explore the country as far as the Gulf of Carpentaria. Through their arrangements having miscarried, both Burke and Wills perished in the bush, after having crossed the continent and returned to their depot at Fort Wills, only to find it deserted. Various relief expeditions were sent out, and among them may be specially mentioned Howitt's Relief Expedition, the Queensland Relief Expeditions under Walker and Landsborough, and the South Australian Relief Party under McKinlay. Though the actual work of exploration carried out by the Burke and Wills expedition was unimportant, the discoveries made by the relief parties sent out were of great value in opening up Central Australia.

(vi) *Giles, 1872 to 1876*. In 1872 Ernest Giles discovered Lake Amadeus and Mount Olga. In that year and in the following one he made unsuccessful attempts to force his way through the desert to the settlements of Western Australia. In 1875 Giles, accompanied by W. H. Tietkins, set out from Beltana, and after making his way in the vicinity of latitude 30° S., to the settled districts of Western Australia, returned to the Peake telegraph station by way of the Murchison, Gascoyne, and Ashburton Rivers.

(vii) *Later Explorations*. Other explorations in Central Australia were carried out by Major Warburton (1873), W. C. Grosse (1873), W. O. Hodgkinson (1875), A. Johns and P. Saunders (1876), H. V. Barclay (1877), Nathaniel Buchanan (1878), Frank Scarr (1878), Ernest Favenc (1878-83), David Lindsay (1883), H. Stockdale (1884), W. H. Tietkins (1889), A. Searcy (1882-96), and Hubbe (1896).

4. Western Australia.—(i) *General*. In 1791 George Vancouver, in command of H.M.S. *Discovery*, reached and named King George's Sound. On the 26th December, 1826, Major Lockyer, with a detachment of soldiers, landed at King George's Sound to form a settlement, under instructions from Sir Ralph Darling, then Governor of New South Wales. The settlement was established in order to forestall the French, who, it was rumoured, intended to occupy the harbour. [As stated on page 5 *ante*, the assertion of British dominion throughout the continent dates from the hoisting of the British flag at this locality on the 26th December, 1826]. Early in 1827 Captain James Stirling and Charles Frazer examined and reported upon the Swan River district with a view to forming a settlement there. In 1829 Captain Fremantle landed at the mouth of the Swan River and took possession of the country. A month later Stirling arrived with the first settlers.

(ii) *Early Explorers.* In November, 1829, Alexander Collie and Lieutenant Preston explored the coast between Cockburn Sound and Géographe Bay, and in the following month Dr. T. B. Wilson, R.N., discovered and named the Denmark River.

In 1830 John Septimus Roe explored the country in the neighbourhood of Cape Naturaliste and between the Collie and Preston Rivers, and in 1835 examined the districts between the headwaters of the Kalgan and Hay Rivers. In 1836 and 1839 Roe explored the country north and east of Perth, and in 1848 traced the course of the Pallinup River for some distance.

Other early explorers in the West were Ensign R. Dale (1830), Captain Bannister (1831), W. K. Shenton (1831), J. G. Bussell (1831), Lieutenant Preston (1831), Alexander Collie (1832), F. Whitfield (1833), A. Hillman (1833), G. F. Moore (1834), and Lieutenant Bunbury (1836).

(iii) *Grey, 1837 to 1839.* In 1837 Captain (afterwards Sir) George Grey discovered and traced the Glenelg River. In 1839 he explored the country between the Williams and Leschenault Rivers, and later succeeded in making his way along the coast from the mouth of the Gascoyne River to Perth.

(iv) *F. T. Gregory, 1857 to 1861.* In 1857 and 1858 Frank T. Gregory examined the upper reaches of the Murchison River and reached the Gascoyne River, which he descended to its mouth, whence he made his way to Perth. In 1861 Gregory explored the north-western districts, discovering the Fortescue, Ashburton, Shaw, De Grey, and Oakover Rivers.

(v) *H. M. Lefroy, 1863.* In 1863 Henry Maxwell Lefroy led a party from York, and after discovering Mt. Burges, traversed the Coolgardie, Kalgoorlie and Boulder areas, reaching a point about 21 miles east-south-east of Boulder.

(vi) *John Forrest, 1869 to 1883.* In 1869, John Forrest (later Lord Forrest of Bunbury) penetrated to the east some distance past Mount Margaret and discovered Lake Barlee. In 1870 he succeeded in making his way from Perth to Adelaide via Esperance Bay, Israelite Bay, and Eucla, and in 1874, accompanied by his brother Alexander and four others, he crossed from Geraldton to the overland telegraph line near Peake Station. In 1883 Forrest explored a large portion of the Kimberley Division, Cambridge Gulf, and the lower part of the Ord River.

(vii) *Alexander Forrest, 1871 to 1879.* In 1879 Alexander Forrest, who had previously accompanied his brother on two expeditions, made his way from the De Grey River to the Daly Waters Station on the overland telegraph line, via Beagle Bay, the King Leopold Range, Nicholson Plains, and the Ord and Victoria Rivers.

(viii) *L. A. Wells, 1892 to 1897.* In 1892 Wells examined practically the whole of the still unexplored districts between Giles' track of 1876 and Forrest's route of 1874, and in 1896 and 1897 he explored the country between the East Murchison and Fitzroy Rivers.

(ix) *Later Explorations in Western Australia.* During the latter part of the 19th century various expeditions were sent out to explore those parts of Western Australia (chiefly in the north-western districts) which still remained unknown. Those whose names are connected with the later exploration of Western Australia are—David Carnegie (1896-7) who discovered a practical stock route between Kimberley and Coolgardie; W. Carr-Boyd (1883-96), who explored the country near the Rawlinson Ranges and made several excursions between the southern goldfields of Western Australia and the South Australian border; H. F. Johnston, G. R. Turner, and E. T. Hardman (1884), who discovered the Mary and Elvire Rivers; F. S. Brockman, Charles Crossland, Gibb Maitland, and Dr. F. M. House (1901), who explored the extreme north of the State; F. H. Hann (1896-1907), who made various excursions in the north-west and between Laverton and Oodnadatta.

(x) *Other Explorers.* Other explorers whose names are connected with the exploration of Western Australia are—George Eliot, who, in 1839, explored the country between the Williams and Leschenault; William Nairne Clark, who, in 1841, discovered immense jarrah and karri forests in the south-west; R. H. Bland (1842); H. Landor (1842); Lieutenant Helpmann (1844); Captain H. M. Denham (1858); B. D. Clarkson, C. E. and A. Dempster, and C. Harper (1861); C. C. Hunt and Ridley (1863); R. J. and T. C. Sholl (1865); A. McRae (1866); Philip Saunders and Adam Johns (1876); H. Stockdale (1884); H. Anstey (1887); F. Newman and W. P. Goddard (1890); J. H. Rowe (1895); C. A. Burrows and A. Mason (1896); Hugh Russell (1897); and John Muir (1901).

§ 6. The Constitutions of the States.

1. **Introduction.**—The subject of "General Government" is dealt with in some detail in Chapter III., but it has been thought desirable to give here a summary of the chief events in the constitutional history of Australia. More extended reference will be found in previous Year Books.

2. **Early Constitutional History.**—(i) *General.* The earliest statute relating to Australia was passed in the year 1784, and empowered the King in Council to appoint places in Australia to which convicts might be transported. On the 6th of December, 1786, His Majesty's "territory of New South Wales, situated on the east part of New Holland," was appointed such a place.

(ii) *The First Constitutional Charter.* In 1823 an Act was passed authorizing the creation of a Council, charged with certain legislative powers of a limited character. This charter was amended by an Act passed in 1828, and applied both to New South Wales and to Van Diemen's Land.

(iii) *First Representative Legislature.* In 1842 the Imperial Government established in New South Wales a Legislative Council consisting of thirty-six members, twelve of whom were to be nominated by the Sovereign and twenty-four elected by the inhabitants of the colony.

(iv) *The Australian Colonies Government Act 1850.* The two main objects of this Act were (a) the separation of the Port Phillip District from New South Wales, and (b) the establishment of an improved system of government in all the Australian colonies. Power was given to the Governor and Legislative Council in each colony to alter the qualifications of electors and members as fixed by the Act, or to establish, instead of the Legislative Council, a Council and a House of Representatives, or other separate Legislative Houses, and to vest in such Houses the powers and functions of the old Council.

3. **New South Wales.**—After the Act just referred to had been proclaimed, an Electoral Bill for New South Wales was passed, increasing the number of members of the Council from thirty-six to fifty-four. In 1851 a remonstrance was despatched by the Legislative Council to the Secretary of State for the Colonies, objecting to the form of Constitution which the Imperial authorities proposed to grant under the Act of 1850. In 1852 the Secretary of State for the Colonies suggested that the Legislative Council should proceed to frame a Constitution resembling that of Canada and based on a bi-cameral Legislature. A new Constitution was, on the 21st December, 1853, adopted by the Council and transmitted to the Secretary of State for the Colonies. With some amendments this Bill became law on the 16th July, 1855. It is now known as the New South Wales Constitution Act 1855, and under its provisions a fully responsible system of government was granted. The first Parliament, under the new Constitution was opened on the 22nd May, 1856. The Constitution was amended by Acts passed in 1857, 1884, and 1890, these Acts being repealed and consolidated by the Constitution Amendment Act of 1902. The last amending Act was passed in 1926.

4. **Victoria.**—After the proclamation of the Australian Colonies Government Act of 1850, the old Legislative Council of New South Wales met on the 28th March, 1851, and passed two Acts specially concerning Victoria. The first provided for the continuation of the powers and functions of all public officers resident within the Port Phillip District until removed or reappointed by the Government of Victoria. The other Act provided that the Legislative Council of Victoria should consist of thirty members, ten nominees and twenty elective, with powers and functions similar to those of the reorganized Legislative Council of New South Wales. A Constitution was drafted by a committee of the Legislative Council, and was embodied in a Bill which was passed and reserved for the Queen's assent on 28th March, 1854. The Enabling Bill was passed

and assented to on the 16th July, 1855, and the new Constitution was proclaimed on the 23rd November following. Several amendments have since been made, the last amending Act having been passed in 1926.

5. **Queensland.**—As part of New South Wales, the Moreton Bay District enjoyed the benefits of responsible government under the Constitution Act of 1855.

By the New South Wales Constitution Act 1855 the power granted to the Queen in 1842 to alter the northern boundary of New South Wales was preserved, and Her Majesty was authorized, by letters patent, to erect into a separate colony any territory which might be so separated. The separation was effected by letters patent dated the 6th June, 1859, and the Constitution of the new colony was embodied in an Order in Council of the same date.

The Order in Council provided that there should be within the colony of Queensland a Legislative Council and a Legislative Assembly. The first Parliament under the new Constitution was convened on the 29th May, 1859. By the Constitution Amendment Act of 1922 the Legislative Council was abolished. The last amendment of the Constitution was enacted in 1926.

6. **South Australia.**—In the exercise of the provisions of the Act by which the Province was created, a governor, a judge, seven commissioners, and other officials were appointed. Under an Act passed in 1842 the system of government was remodelled; the colonization commissioners were abolished, and the Province became a Crown colony with a nominated Legislative Council.

In 1855 a new Legislative Council passed a Bill to create a bi-cameral Legislature, which received the Royal assent in 1856. This Act, known as the South Australian Constitution Act 1856, confers no legislative powers except by reference to the Act of 1850. The first session of the new Parliament commenced on the 22nd April, 1857. There has been a large number of amendments to the Constitution, the latest having been passed in 1926.

7. **Western Australia.**—By an Order in Council dated the 1st November, 1830, the first Executive Council was constituted, while in the following year a Legislative Council, which consisted at first solely of members of the Executive Council, was formed. In August, 1870, writs were issued for the election of a Council to consist of twelve elected and six nominated members. These members were altered from time to time. In 1889 the Legislative Council was dissolved, and a general election took place, the principal question being the introduction of responsible government. A Constitution providing for the creation of a bi-cameral Legislature was drafted, and responsible government was proclaimed in the colony on the 21st October, 1890. The first Parliament under the new Constitution met on the 30th December, 1890. On the 18th July, 1893, the Legislature of Western Australia passed an Act to amend the Constitution, abolishing the nominee Council, and substituting one elected by the qualified inhabitants of the colony. Amendments have been made by various Acts, the last of which was passed in 1927.

8. **Tasmania.**—Under an Order in Council dated the 14th June, 1825, and made in pursuance of the provisions of an Act passed in 1823, Van Diemen's Land, as it was officially known until the year 1853, was separated from New South Wales and was proclaimed a separate colony, with a Lieutenant Governor, an Executive, and a Legislative Council. It was not until the Imperial Act of 1850 was passed, that a system of representative government was introduced. A Constitution Bill was drafted and passed by the Legislative Council, and was assented to and proclaimed on the 24th October, 1856.

The first Parliament under the new Constitution was opened on the 2nd December, 1856. The Constitution has been amended by various Acts, the latest of which was passed in 1926.

9. **Reservation of Bills.**—The reservation of Bills passed by the Legislature of any State is dealt with under the provisions of the Australian States Constitution Act 1907, a short outline of the provisions of which will be found in Official Year Book, No. 18, p. 17.

§ 7. The Federal Movement in Australia.

1. **Early Stages in the Federal Movement.**—A summary is given in Year Book No. 1 (pp. 17 to 21) of the "Federal Movement in Australia" from its inception to its consummation. Limits of space will permit of the insertion of a synopsis only in the present issue.

Owing to the circumstances of their growth, the initial tendency in Australia was naturally towards the individualistic evolution of the several settlements, yet from the earliest period there was a clear recognition of the importance of intercolonial reciprocity. 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 in a fair way towards realization 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 realized. 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."

2. **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, but in November of that year a convention, at which the seven colonies and Fiji were represented, met in Sydney. A Bill to establish a 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, praying for the enactment of a Federal Council Act. New South Wales and New Zealand, however, held aloof, the view of Sir Henry Parkes being 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 the 23rd April, 1885, became law on the 14th 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.

3. **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 confidently 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 6th 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 to which 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 the 2nd 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 the 29th 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 the 23rd December, 1895; South Australia anticipated this by three days; the Tasmanian Bill was passed on the 10th January, 1896, the Victorian on the 7th March, 1896; Western Australia fell into line on the 27th October. The "People's Federal Convention," held at Bathurst, N.S.W., in November, 1896, gave a considerable impulse to the movement; to wait longer for Queensland was considered unnecessary, and the 4th 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 the 22nd 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 the 22nd April, was adopted on the following day, and the Convention adjourned till 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 the 2nd 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 the 20th January to the 17th March, the necessity for reaching a final decision giving to its deliberations corresponding weight.

4. **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 the 22nd 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, and 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.

| Votes. | | N.S.W. | Victoria. | Sth. Aust. | Tas. | Qld. | TOTALS. |
|----------|---------------------|---------|-----------|------------|--------|--------|---------|
| 1st Vote | { For Federation .. | 71,595 | 100,520 | 35,800 | 11,797 | — | 219,712 |
| | { 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 |
| | { 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 |

5. Enactment of the Constitution.—The Secretary of State for the Colonies (the Right Honourable Joseph Chamberlain) expressed the hope on the 22nd 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 the 14th May; the second reading was moved on the 21st of the same month; the discussion in committee commenced on the 18th June; and the Royal assent was given on the 9th July, 1900.

On the 31st 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 the 21st August both Houses of Parliament in that State passed addresses praying that it might be included as an original State of the Commonwealth.

On the 17th 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.

§ 8. Creation of the Commonwealth.

1. The 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) Act 1906, and the Constitution Alteration (State Debts) Act 1909 is given *in extenso* hereunder.

THE COMMONWEALTH OF AUSTRALIA CONSTITUTION ACT,
63 & 64 VICT., CHAPTER. 12.

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

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

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

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

1. This Act may be cited as the Commonwealth of Australia Constitution Act.
2. The provisions of this Act referring to the Queen shall extend to Her Majesty's heirs and successors in the sovereignty of the United Kingdom.
3. It shall be lawful for the Queen, with the advice of the Privy Council, to declare by proclamation that, on and after a day therein appointed, not being later than one year after the passing of this Act, the people of New South Wales, Victoria, South Australia, Queensland, and Tasmania, and also, if Her Majesty is satisfied that the people of Western Australia have agreed thereto, of Western Australia, shall be united in a Federal Commonwealth under the name of the Commonwealth of Australia. But the Queen may, at any time after the proclamation, appoint a Governor-General for the Commonwealth.
4. The Commonwealth shall be established, and the Constitution of the Commonwealth shall take effect, on and after the day so appointed. But the Parliaments of the several colonies, may, at any time after the passing of this Act make any such laws, to come into operation on the day so appointed, as they might have made if the Constitution had taken effect at the passing of this Act.

5. This Act, and all laws made by the Parliament of the Commonwealth under the Constitution, shall be binding on the courts, judges, and people of every State and of every part of the Commonwealth, notwithstanding anything in the laws of any State ; and the laws of the Commonwealth shall be in force on all British ships, the Queen's ships of war excepted, whose first port of clearance and whose port of destination are in the Commonwealth.

6. "The Commonwealth" shall mean the Commonwealth of Australia as established under this Act.

"The States" shall mean such of the colonies of New South Wales, New Zealand, Queensland, Tasmania, Victoria, Western Australia, and South Australia, including the northern territory of South Australia, as for the time being are parts of the Commonwealth, and such colonies or territories as may be admitted into or established by the Commonwealth as States : and each of such parts of the Commonwealth shall be called "a State."

"Original States" shall mean such States as are parts of the Commonwealth at its establishment.

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

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

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

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

THE CONSTITUTION.

This Constitution is divided as follows :—

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

CHAPTER I.—THE PARLIAMENT.

PART I.—GENERAL.

1. The legislative power of the Commonwealth shall be vested in a Federal Parliament which shall consist of the Queen, a Senate, and a House of Representatives, and which is hereinafter 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 [the third year] *three years,** and the places of those of the second class at the expiration of [the sixth year] *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 [in the year at the expiration of which] *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 [January] *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 [January] *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 shall, sitting and voting together, choose a person to hold the place until the expiration of the term, or until the election of a successor as hereinafter provided, whichever first happens. But if the Houses of Parliament of the State are not in session at the time 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 after the beginning of the next session of the Parliament of the State, or until the election of a successor, whichever first happens.

At the next general election of members of the House of Representatives, or at the next election of senators for the State, whichever first happens, a successor shall, if the term has not then expired, be chosen to hold the place from the date of his election until the expiration of the term.

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

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.

* As amended by section 2 of the Constitution Alteration (Senate Elections) 1906. The words in square brackets have been repealed; amendments are shown in italics.

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 authorized by him, an oath or affirmation of allegiance in the form set forth in the schedule to this Constitution.

* The franchise qualification was determined by the Commonwealth Franchise Act 1902.

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 member 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.

* By the Parliamentary Allowances Act 1907, the amount of the allowance was increased to £600 a year; and by the Parliamentary Allowances Act 1920 to £1,000 a year. (The latter Act also apportioned special allowances to the President of the Senate; the Speaker of the House of Representatives; the Chairmen of Committees in both Houses; and the Opposition Leaders in both Houses.)

PART V.—POWERS OF THE PARLIAMENT.*

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

- (i) Trade and commerce with other countries, and among the States :
- (ii) Taxation ; but so as not to discriminate between States or parts of States :
- (iii) Bounties on the production or export of goods, but so that such bounties shall be uniform throughout the Commonwealth :
- (iv) Borrowing money on the public credit of the Commonwealth :
- (v) Postal, telegraphic, telephonic, and other like services :
- (vi) The naval and military defence of the Commonwealth and of the several States, and the control of the forces to execute and maintain the laws of the Commonwealth :
- (vii) Lighthouses, lightships, beacons and buoys :
- (viii) Astronomical and meteorological observations :
- (ix) Quarantine :
- (x) Fisheries in Australian waters beyond territorial limits :
- (xi) Census and statistics :
- (xii) Currency, coinage, and legal tender :
- (xiii) Banking, other than State banking ; also State banking extending beyond the limits of the State concerned, the incorporation of banks, and the issue of paper money :
- (xiv) Insurance, other than State insurance ; also State insurance extending beyond the limits of the State concerned :
- (xv) Weights and measures :
- (xvi) Bills of exchange and promissory notes :
- (xvii) Bankruptcy and insolvency :
- (xviii) Copyrights, patents of inventions and designs, and trade marks :
- (xix) Naturalization and aliens :
- (xx) Foreign corporations, and trading or financial corporations formed within the limits of the Commonwealth :
- (xxi) Marriage :
- (xxii) Divorce and matrimonial causes ; and in relation thereto, parental rights, and the custody and guardianship of infants :
- (xxiii) Invalid and old-age pensions :
- (xxiv) The service and execution throughout the Commonwealth of the civil and criminal process and the judgments of the courts of the States :
- (xxv) The recognition throughout the Commonwealth of the laws, the public Acts and records, and the judicial proceedings of the States :
- (xxvi) The people of any race, other than the aboriginal race in any State, 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 :

* Particulars of proposed laws which were submitted to referenda are given in Chapter III., General Government.

- (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 laws 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 provisions 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 of the House of Representatives.

The members present at the joint sitting may deliberate and shall vote together upon the proposed law as last proposed by the House of Representatives, and upon amendments, if any, which have been made therein by one House and not agreed to by the other, and any such amendments which are affirmed by an absolute majority of the total number of the members of the Senate and House of Representatives 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 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 officers⁹ 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.*

* By the Ministers of State Acts 1915 and 1917, the Ministers of State may exceed seven, but shall not exceed nine. £15,300 annually was allotted by these Acts for their salaries; and £800 per annum each was added by the Parliamentary Allowances Act 1920.

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 their continuance in office.

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

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

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

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

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

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

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

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

75. In all matters—

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

the High Court shall have original jurisdiction.

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

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

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

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

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

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

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

CHAPTER IV.—FINANCE AND TRADE.

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

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

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

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

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

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

Any such officer who is retained in the service of the Commonwealth shall preserve all his existing and accruing rights, and shall be entitled to retire from 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 to 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 sub-section, 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 from 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 [as existing at the establishment of the Commonwealth],† 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 State 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.

* The Commission was brought into existence in 1913, under Act No. 33 of 1912, by the appointment of Commissioners for seven years. When this period expired no fresh appointments were made.

† Under section 2 of the Constitution Alteration (State Debts) 1909, the words in square brackets are omitted.

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 net produce of all charges so levied shall be for the use of the Commonwealth; and any such inspection laws may be annulled by the Parliament of the Commonwealth.

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

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

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

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

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

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

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

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

CHAPTER VI.—NEW STATES.

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

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

123. The Parliament of the Commonwealth may, with the consent of the Parliament of a State, and the approval of the majority of the electors of the State voting upon the question, increase, diminish, or otherwise alter the limits of the State, upon such terms and conditions as may be agreed on, and may, with the like consent, make provision respecting the effect and operation of any increase or diminution or alteration of territory in relation to any State affected.

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

CHAPTER VII.—MISCELLANEOUS.

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

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

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

126. The Queen may authorize 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.

127. In reckoning the numbers of the people of the Commonwealth, or of a State or other part of the Commonwealth, aboriginal natives shall not be counted.

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 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 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.

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.*)

2. **The Royal Proclamation.**—The preceding Act received the Royal assent on the 9th July, 1900. This made it lawful to declare that the people of Australia should be united in a Federal Commonwealth. This proclamation, made on the 17th September, 1900, constituted the Commonwealth as from the 1st January, 1901: it reads as follows:—

BY THE QUEEN.

A PROCLAMATION.

(Signed) VICTORIA R.

WHEREAS by an Act of Parliament passed in the Sixty-third and Sixty-fourth Years of Our Reign, intituled "An Act to constitute the Commonwealth of Australia," it is enacted that 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.

And whereas We are satisfied that the people of *Western Australia* have agreed thereto accordingly.

We therefore, by and with the advice of Our Privy Council, have thought fit to issue this Our Royal Proclamation, and We do hereby declare that on and after the First day of *January* One thousand nine hundred and one, the people of *New South Wales, Victoria, South Australia, Queensland, Tasmania, and Western Australia* shall be united in a Federal Commonwealth under the name of the Commonwealth of *Australia*.

Given at Our Court at *Balmoral* this Seventeenth day of *September*, in the Year of Our Lord One thousand nine hundred, and in the Sixty-fourth Year of Our Reign.

GOD SAVE THE QUEEN.