

DIRECT ELECTION OF A PRESIDENT “A Discussion Model”

CONSTITUTION OF THE COMMONWEALTH OF AUSTRALIA

TABLE OF PROVISIONS

Covering Clause

1. Short title
- ~~2. Act to extend to the Queen's successors~~
3. Proclamation of Commonwealth
4. Commencement of Act
5. Operation of the Constitution and laws
6. Definitions
- ~~7. Repeal of Federal Council Act~~
- ~~8. Application of Colonial Boundaries Act~~
9. Constitution

CHAPTER IA

ABOLITION OF THE CROWN AND ESTABLISHMENT OF THE COMMONWEALTH AS A FEDERAL REPUBLIC

Section

- 1A Abolition of the Crown
- 1B Establishment of a federal republic

CHAPTER I THE PARLIAMENT PART I-GENERAL

1. Legislative power
2. The President
- 3A. Qualification of President
- 3B. Term of office of the President
- 3C. Remuneration of President
- 3D. Immunity of the President during office
- 3E. Resignation of President
- 3F. Removal from office of the President
- 3G. Acting President
4. Provisions relating to the President
5. Sessions of Parliament
Prorogation and dissolution
Summoning Parliament
6. Yearly session of Parliament

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PART II-THE SENATE

7. The Senate
8. Qualification of electors
9. Method of election of senators
Times and places
10. Application of State laws
11. Failure to choose senators
12. Issue of writs
13. Rotation of senators
14. Further provision for rotation
15. Casual vacancies
16. Qualifications of senator
17. Election of [Chancellor of Senate](#)
18. Absence of [Chancellor of Senate](#)
19. Resignation of senator
20. Vacancy by absence
21. Vacancy to be notified
22. Quorum
23. Voting in Senate

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PART III - THE HOUSE OF REPRESENTATIVES

24. Constitution of House of Representatives

27. Alteration of number of members
28. Duration of House of Representatives
29. Electoral divisions
30. Qualification of electors
31. Application of State laws
32. Writs for general election
33. Writs for vacancies
34. Qualifications of members
35. Election of Speaker
36. Absence of Speaker
37. Resignation of member
38. Vacancy by absence
39. Quorum
40. Voting in House of Representatives

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disqualified from voting -

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PART IV - BOTH HOUSES OF THE PARLIAMENT

41. Right of electors of States
42. Oath or affirmation of allegiance
43. Member of one House ineligible for other
44. Disqualification
45. Vacancy on happening of disqualification
46. Penalty for sitting when disqualified

- 47. Disputed elections
- 48. Allowance to members
- 49. Privileges, &c. of Houses
- 50. Rules and orders

PART V - POWERS OF THE PARLIAMENT

- 51. Legislative powers of the Parliament
- 52. Exclusive powers of the Parliament
- 53. Powers of the Houses in respect of legislation
- 54. Appropriation Bills
- 55. Tax Bill
- 56. Recommendation of money votes
- 57. Disagreement between the Houses
- 58. Presidential assent to Bills
Recommendations by the President

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CHAPTER II
THE EXECUTIVE GOVERNMENT

- 61. Executive power
- 62. Federal Executive Council and appointment of Prime Minister
- 62A Prime Minister to inform President
- 63. Provisions referring to President in Council
- 64. Ministers of State
Ministers to sit in Parliament

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- 66. Salaries of Ministers
- 67. Appointment of civil servants
- 68. Command of defence forces

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- 70. Certain powers of Governors to vest in President

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CHAPTER III
THE JUDICATURE

- 71. Judicial power and Courts
- 72. Judges' appointment, tenure, and remuneration
- 73. Appellate jurisdiction of High Court
- 75. Original jurisdiction of High Court
- 76. Additional original jurisdiction
- 77. Power to define jurisdiction
- 78. Proceedings against Commonwealth or State
- 79. Number of judges
- 80. Trial by jury

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CHAPTER IV
FINANCE AND TRADE

- 81. Consolidated Revenue Fund
- 82. Expenditure charged thereon
- 83. Money to be appropriated by law
- 84. Transfer of officers
- 85. Transfer of property of State
- 86. Customs, excise, and bounties
- 88. Uniform duties of customs
- 90. Exclusive power over customs, excise, and bounties
- 91. Exceptions as to bounties
- 92. Trade within the Commonwealth to be free
- 94. Distribution of surplus
- 96. Financial assistance to States
- 98. Trade and commerce includes navigation and State railways
- 99. Commonwealth not to give preference
- 100. Nor abridge right to use water
- 101. Inter-State Commission
- 102. Parliament may forbid preferences by State
- 103. Commissioners' appointment, tenure, and remuneration
- 104. Saving of certain rates
- 105. Taking over public debts of States
- 105A. Agreements with respect to State debts

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CHAPTER V
THE STATES

- 106. Saving of Constitutions
- 107. Saving of power of State Parliaments
- 108. Saving of State laws
- 109. Inconsistency of laws
- 110. Provisions referring to Governor
- 111. States may surrender territory
- 112. States may levy charges for inspection laws
- 113. Intoxicating liquids
- 114. States may not raise forces
- 114. Taxation of property of Commonwealth or State
- 115. States not to coin money
- 116. Commonwealth not to legislate in respect of religion
- 117. Rights of residents in States
- 118. Recognition of laws, &c. of States
- 119. Protection of States from invasion and violence

120. Custody of offenders against laws of the Commonwealth

CHAPTER VI
NEW STATES

- 121. New States may be admitted or established
- 122. Government of territories
- 123. Alteration of limits of States
- 124. Formation of new States

CHAPTER VII
MISCELLANEOUS

125. Seat of Government

126.

The President may appoint delegates

~~127. Aborigines not to be counted in reckoning population.~~

127 Transition to a federal republic

CHAPTER VIII
ALTERATION OF THE CONSTITUTION

128. Mode of altering the Constitution

SCHEDULE
Oath or affirmation of allegiance

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Governor-General to appoint deputies

CONSTITUTION OF THE COMMONWEALTH OF AUSTRALIA

WHEREAS the People of New South Wales, Victoria, South Australia, Queensland, Tasmania and Western Australia, humbly relying on the blessing of Almighty God, agreed to unite in one indissoluble Federal Commonwealth under the Constitution hereby established:

And that since 1901 our Federal Commonwealth has evolved through our History into an independent nation respecting the rights and freedoms of all Men and Women and that We are indebted to the prior generations of Australians for the freedoms and liberties We now enjoy through Their sacrifices:

We, the People of Australia, exercising Our democratic rights now declare to all Mankind and to the Nations of the World that under this Our Constitution We establish the Commonwealth of Australia as an independent federal republic:

SECT 1
Short title

1. This Act may be cited as The Constitution of the Commonwealth of Australia.

SECT 3
The Commonwealth of Australia

3. The people of New South Wales, Victoria, South Australia, Queensland, Tasmania and Western Australia agreed and united to form a Federal Commonwealth under the name of the Commonwealth of Australia.

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Deleted: 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:-

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SECT 4

Commencement of the Commonwealth

4. The Commonwealth is established, and the Constitution of the Commonwealth took effect, on and after the first day of January 1901.

SECT 5

Operation of the Constitution and laws

5. The Constitution, 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.

SECT 6

Definitions

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

"The Crown" shall mean the Crown of the Queen of Australia and to the heirs and successors of the Crown.

"The States" shall mean New South Wales, 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.

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SECT 9

Constitution

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

THE CONSTITUTION

This Constitution is divided as follows:-

Chapter IA - Abolition of the Crown and Establishment of the Commonwealth as a Federal Republic

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 IA

CHAPTER IA - ABOLITION OF THE CROWN AND ESTABLISHMENT OF
THE COMMONWEALTH AS A FEDERAL REPUBLIC

CHAPTER IA SECT 1A

Abolition of the Crown

1A We, the People of Australia, abolish the Crown as Head of State of the Commonwealth and all of its States and Territories. Until the Parliament otherwise provides, and subject to this Constitution, the abolition of the Crown in itself shall not affect any power, function, right, privilege, immunity, or prerogative derived from the royal prerogative and exercisable by the Commonwealth, a State or Territory of the Commonwealth.

CHAPTER IA SECT 1B

Establishment of the Commonwealth as a federal republic

1B We, the People of Australia, hereby establish the Commonwealth under this Constitution as an indissoluble federal republic.

CHAPTER I
CHAPTER I - THE PARLIAMENT

CHAPTER I PART 1

PART I - GENERAL

CHAPTER I SECT 1

Legislative power

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

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CHAPTER I SECT 2

President of the Commonwealth

2. The Head of State of the Commonwealth shall be the President of the Commonwealth who shall exercise and perform his or her powers and duties in accordance with this Constitution and the law.

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Deleted: 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.

CHAPTER I SECT 3

CHAPTER I SECT 3A

Qualification of President

- 3A(i) The President shall be directly chosen by the People of the Commonwealth.
- (ii) The qualification of a President shall be the same as those of a member of the House of Representatives.
- (iii) The President shall enter office as President of the Commonwealth by subscribing before the Chief Justice of the High Court or some person authorised by him or her, an oath or affirmation of allegiance in the form set out in the schedule to this Constitution.

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CHAPTER I SECT 3B

Term of office of the President

- 3B(i) Subject to sub-section 3B(ii), the President shall hold office for five years from the date upon which he or she enters upon the office, unless before the expiration of that period he or she dies, resigns or otherwise ceases to hold office in accordance with this Constitution.

- (ii) Notwithstanding the expiration of his or her term, the President shall continue to hold office until his or her successor enters upon the office, provided such a period shall not exceed 90 days after the expiry of his or her term.
- (iii) A person who holds, or who has held, office as President shall be eligible for re-election to that office.
- (iv) The President shall not hold any other office or position of profit.
- (v) Until the Parliament otherwise provides, the President shall not leave the Commonwealth without the consent of the Federal Executive Council.

CHAPTER I SECT 3C
Remuneration of President

- 3C The President shall receive such remuneration as Parliament may fix, but such remuneration shall not be reduced during the President's term of office.

CHAPTER I SECT 3D
Immunity of the President during office

- 3D(i) No criminal proceedings whatsoever shall be instituted or continued against a President in any court during his or her term of office except with the consent of both Houses of Parliament.
- (ii) The period during which a President is immune from prosecution under sub-section 3D(i) shall not be taken into account for the purpose of any statute of limitations.
 - (iii) Subject to sub-section 3D(i), the President shall not be immune from suit or judicial or legal process, unless such immunity is expressly conferred by law.

CHAPTER I SECT 3E
Resignation of President

- 3E The President may resign office by writing addressed to the Prime Minister, the Chancellor of the Senate, the Speaker of the House and to the Chief Justice of the High Court. Such resignation shall take effect at the time specified therein.

CHAPTER I SECT 3F
Removal from office of the President

- 3F (i) Subject to sub-section 3F(ii), the office of President shall become vacant if each House of Parliament passes a resolution supported by two thirds majority of the members thereof to the effect that

*Proposed by David H Denton, QC, Barrister, Melbourne
Adjunct Professor of Law, Victoria University, Melbourne*

the President or a person acting as President should be removed from office on the ground of proved misbehaviour or incapacity.

3F(ii) A resolution for the removal of the President or person acting as President shall not be moved unless a Judicial Tribunal established by the Parliament has reported that the facts found by it could amount to misbehaviour or incapacity warranting removal. Each member of the Judicial Tribunal must be a justice of a superior federal court other than the High Court.

CHAPTER I SECT 3G

Acting President

3G Until the Parliament otherwise provides, if :

- (a) the President is absent from the Commonwealth; or
- (b) the President is temporarily unable to carry out his or her duties or functions on account of illness; or
- (c) the office of President is vacant for any reason

the State Governor who has served longest in that office and is willing and able to act as President shall subscribe to an oath or affirmation of allegiance in the form set out in the schedule to this Constitution to act as President until the President returns to the Commonwealth or is able to resume the functions of his or her office or, if the office is vacant, until a new President enters upon the office.

CHAPTER I SECT 4

Provisions relating to the President

- 4.(i) The provisions of this Constitution relating to the President extend and apply to the President for the time being, or such person as may under this Constitution act as President; but no such person shall be entitled to receive any salary from the Commonwealth in respect of any other office during such time as he or she may act as President.
- (ii) Until the Parliament otherwise provides, and subject to this Constitution, the President shall exercise and perform his or her powers and functions in accordance with the Constitutional conventions which related to the exercise and performance of the powers and functions of the Governor-General of Australia, but nothing in this section shall have the effect of converting constitutional conventions into rules of law.

CHAPTER I SECT 5

Sessions of Parliament

Prorogation and dissolution

5. The President 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.

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Summoning Parliament.

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.

CHAPTER I SECT 6 Yearly session of Parliament

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.

CHAPTER I PART II PART II - THE SENATE

CHAPTER I SECT 7 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.

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 [President](#).

CHAPTER I SECT 8 Qualification of electors

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.

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CHAPTER I SECT 9

Method of election of senators

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.

Times and places.

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

CHAPTER I SECT 10

Application of State laws

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.

CHAPTER I SECT 11

Failure to choose senators

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

CHAPTER I SECT 12

Issue of writs

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.

CHAPTER I SECT 13

Rotation of senators

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

expiration of six years, from the beginning of their term of service; and afterwards the places of senators shall become vacant at the expiration of six years from the beginning of their term of service.

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

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

CHAPTER I SECT 14

Further provision for rotation

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.

CHAPTER I SECT 15

Casual vacancies

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

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

Where-

- (a) in accordance with the last preceding paragraph, a member of a particular political party is chosen or appointed to hold the place of a senator whose place had become vacant; and
- (b) before taking his or her seat he or she ceases to be a member of that party (otherwise than by reason of the party having ceased to exist), he or she shall be deemed not to have been so chosen or appointed and the vacancy shall be again notified in accordance with section twenty-one of this Constitution.

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

CHAPTER I SECT 16
Qualifications of senator

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

CHAPTER I SECT 17
Election of Chancellor of the Senate

- 17. The Senate shall, before proceeding to the despatch of any other business, choose a senator to be the Chancellor of the Senate; and as often as the office of Chancellor becomes vacant the Senate shall again choose a senator to be the Chancellor.
The Chancellor shall cease to hold his office if he or she ceases to be a senator.
He or she may be removed from office by a vote of the Senate, or he or she may resign his or her office or his or her seat by writing addressed to the President.

CHAPTER I SECT 18
Absence of Chancellor

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

CHAPTER I SECT 19
Resignation of senator

- 19. A senator may, by writing addressed to the Chancellor, or to the President if there is no Chancellor or if the Chancellor is absent

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from the Commonwealth, resign his or her place, which thereupon shall become vacant.

CHAPTER I SECT 20
Vacancy by absence

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

CHAPTER I SECT 21
Vacancy to be notified

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

CHAPTER I SECT 22
Quorum

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.

CHAPTER I SECT 23
Voting in the Senate

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

CHAPTER 1 PART III
PART III - THE HOUSE OF REPRESENTATIVES

CHAPTER I SECT 24
Constitution of 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

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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.

CHAPTER I SECT 27

Alteration of number of members

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

CHAPTER I SECT 28

Duration of 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 President.

CHAPTER I SECT 29

Electoral divisions

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 provision, each State shall be one electorate.

CHAPTER I SECT 30

Qualification of electors

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.

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CHAPTER I SECT 31
Application of State laws

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.

CHAPTER I SECT 32
Writs for general election

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

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CHAPTER I SECT 33
Writs for vacancies

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 President in Council may issue the writ.

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CHAPTER I SECT 34
Qualifications of members

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

(i) He or she must be of the full age of eighteen 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:

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(ii) He or she must be an Australian citizen.

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CHAPTER I SECT 35
Election of Speaker

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 or her office if he or she ceases to be a member. The Speaker may be removed from office by a vote of the House, or he or she may resign his or her office or his or her seat by writing addressed to the President.

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CHAPTER I SECT 36 Absence of Speaker

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

CHAPTER I SECT 37 Resignation of member

37. A member may by writing addressed to the Speaker, or to the President if there is no Speaker or if the Speaker is absent from the Commonwealth, resign his or her place, which thereupon shall become vacant.

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CHAPTER I SECT 38 Vacancy by absence

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

CHAPTER I SECT 39 Quorum

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.

CHAPTER I SECT 40 Voting in House of Representatives

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 or she shall have a casting vote.

CHAPTER I PART IV

PART IV - BOTH HOUSES OF THE PARLIAMENT

CHAPTER I SECT 41

Right of electors of States

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.

CHAPTER I SECT 42

Oath or affirmation of allegiance

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

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CHAPTER I SECT 43

Member of one House ineligible for other

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.

CHAPTER I SECT 44

Disqualification

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 executive government of the Commonwealth or a State or Territory of the Commonwealth, or any pension payable during the pleasure of

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the executive government of the Commonwealth or a State or Territory of the Commonwealth 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 Ministers of State for the Commonwealth, or of any of the Ministers for a State, or to the receipt of pay or a pension, by any person as an officer or member of the defence forces of the Commonwealth, or to the receipt of pay as an officer or member of the defence forces of the Commonwealth by any person whose services are not wholly employed by the Commonwealth.

CHAPTER I SECT 45

Vacancy on happening of disqualification

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 or her place shall thereupon become vacant.

CHAPTER I SECT 46

Penalty for sitting when disqualified

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 or she so sits, be liable to pay the sum of two hundred dollars to any person who sues for it in any court of competent jurisdiction.

CHAPTER I SECT 47

Disputed elections

47. Until the Parliament otherwise provides, any question respecting the qualification of a senator or of a member of the House of

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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.

CHAPTER I SECT 48
Allowance to members

48. Each senator and each member of the House of Representatives shall receive such remuneration as the Parliament may fix.

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CHAPTER I SECT 49
Privileges, &c. of Houses

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.

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CHAPTER I SECT 50
Rules and orders

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 House.

CHAPTER I PART V
PART V - POWERS OF THE PARLIAMENT

CHAPTER I SECT 51
Legislative powers of the Parliament

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

- (i) Trade and commerce with other countries, and among the States:
- (ii) Taxation; but so as not to discriminate between States or parts of States:

- (iii) Bounties on the production or export of goods, but so that such bounties shall be uniform throughout the Commonwealth:
- (iv) Borrowing money on the public credit of the Commonwealth:
- (v) Postal, telegraphic, telephonic, and other like services:
- (vi) The naval and military defence of the Commonwealth and of the several States, and the control of the forces to execute and maintain the laws of the Commonwealth:
- (vii) Lighthouses, lightships, beacons and buoys:
- (viii) Astronomical and meteorological observations:
- (ix) Quarantine:
- (x) Fisheries in Australian waters beyond territorial limits:
- (xi) Census and statistics:
- (xii) Currency, coinage, and legal tender:
- (xiii) Banking, other than State banking; also State banking extending beyond the limits of the State concerned, the incorporation of banks, and the issue of paper money:
- (xiv) Insurance, other than State insurance; also State insurance extending beyond the limits of the State concerned:
- (xv) Weights and measures:
- (xvi) Bills of exchange and promissory notes:
- (xvii) Bankruptcy and insolvency:
- (xviii) Copyrights, patents of inventions and designs, and trade marks:
- (xix) Naturalization and aliens:
- (xx) Foreign corporations, and trading or financial corporations formed within the limits of the Commonwealth:
- (xxi) Marriage:
- (xxii) Divorce and matrimonial causes; and in relation thereto, parental rights, and the custody and guardianship of infants:
- (xxiii) Invalid and old-age pensions:
- (xxiiiA) The provision of maternity allowances, widows' pensions, child endowment, unemployment, pharmaceutical, sickness and hospital benefits, medical and dental services (but not so as to authorize any form of civil conscription), benefits to students and family allowances:
- (xxiv) The service and execution throughout the Commonwealth of the civil and criminal process and the judgments of the courts of the States:
- (xxv) The recognition throughout the Commonwealth of the laws, the public Acts and records, and the judicial proceedings of the States:
- (xxvi) The people of any race, for whom it is deemed necessary to make special laws:

- (xxvii) Immigration and emigration:
- (xxviii) The influx of criminals:
- (xxix) External affairs:
- (xxx) The relations of the Commonwealth with the islands of the Pacific:
- (xxxi) The acquisition of property on just terms from any State or person for any purpose in respect of which the Parliament has power to make laws:
- (xxxii) The control of railways with respect to transport for the naval and military purposes of the Commonwealth:
- (xxxiii) The acquisition, with the consent of a State, of any railways of the State on terms arranged between the Commonwealth and the State:
- (xxxiv) Railway construction and extension in any State with the consent of that State:
- (xxxv) Conciliation and arbitration for the prevention and settlement of industrial disputes extending beyond the limits of any one State:
- (xxxvi) Matters in respect of which this Constitution makes provision until the Parliament otherwise provides:
- (xxxvii) Matters referred to the Parliament of the Commonwealth by the Parliament or Parliaments of any State or States, but so that the law shall extend only to States by whose Parliaments the matter is referred, or which afterwards adopt the law:
- (xxxviii) The exercise within the Commonwealth, at the request or with the concurrence of the Parliaments of all the States directly concerned, of any power which can at the establishment of this Constitution be exercised only by the Parliament of the United Kingdom or by the Federal Council of Australasia:
- (xxxix) Matters incidental to the execution of any power vested by this Constitution in the President, 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.

CHAPTER I SECT 52

Exclusive powers of the Parliament

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.

CHAPTER I SECT 53

Powers of the Houses in respect of legislation

53. Proposed laws appropriating revenue or moneys, or imposing taxation, shall not originate in the Senate. But a proposed law shall not be taken to appropriate revenue or moneys, or to impose taxation, by reason only of its containing provisions for the imposition or appropriation of fines or other pecuniary penalties, or for the demand or payment or appropriation of fees for licences, or fees for services under the proposed law.

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

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

The Senate may at any stage return to the House of Representatives any proposed law which the Senate may not amend, requesting, by message, the omission or amendment of any items or provisions therein. And the House of Representatives may, if it thinks fit, make any of such omissions or amendments, with or without modifications. Except as provided in this section, the Senate shall have equal power with the House of Representatives in respect of all proposed laws.

CHAPTER I SECT 54

Appropriation Bills

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

CHAPTER I SECT 55

Tax Bill

55. Laws imposing taxation shall deal only with the imposition of taxation, and any provision therein dealing with any other matter shall be of no effect. Laws imposing taxation, except laws imposing duties of customs or of excise, shall deal with one subject of taxation only; but laws imposing duties of customs shall deal with

duties of customs only, and laws imposing duties of excise shall deal with duties of excise only.

CHAPTER I SECT 56

Recommendation of money votes

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 President to the House in which the proposal originated.

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CHAPTER I SECT 57

Disagreement between the Houses

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 President 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.

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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 President may convene a joint sitting of the members of the Senate and of the House of Representatives.

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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 the members of the Senate and House of Representatives, it shall be taken to have been duly passed by both Houses of the Parliament, and shall be presented to the President for assent.

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CHAPTER I SECT 58

Presidential assent to Bills: Recommendations by Governor-General the President.

58. When a proposed law passed by both Houses of the Parliament is presented to the President for assent, the President shall declare, according to his or her discretion, but subject to this Constitution, that he or she assents, or that he or she withholds assent,

The President may return to the house in which it originated any proposed law so presented to him or her, and may transmit therewith any amendments which he or she may recommend, and the Houses may deal with the recommendation.

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CHAPTER II
CHAPTER II - THE EXECUTIVE GOVERNMENT

Executive power

61. The executive power of the Commonwealth is vested in the President and is exercisable by the President on the advice of the Federal Executive Council and extends to the execution and maintenance of this Constitution, and of the laws of the Commonwealth.

CHAPTER II SECT 62

Federal Executive Council and appointment of Prime Minister

62. There shall be a Federal Executive Council to advise the President in the government of the Commonwealth, and the members of the Council shall be chosen and summoned by the President and sworn as Executive Councillors with one of their number designated as Prime Minister, and the Executive Councillors shall hold office until such time as the President is advised by the Prime Minister to withdraw such office.

CHAPTER II SECT 62A

Prime Minister to inform President

62A. The Prime Minister shall keep the President fully informed concerning the general conduct of the Government and shall furnish the President with such information as he or she may request with respect to any particular matter relating to the Government.

CHAPTER II SECT 63

Provisions referring to the President in Council

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

CHAPTER II SECT 64

Ministers of State: Ministers to sit in Parliament.

64. The President in Council may appoint Ministers to administer such departments of State of the Commonwealth as the President in Council may establish.

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No Minister of State shall hold office for a longer period than three months unless he or she is or becomes a senator or a member of the House of Representatives.

CHAPTER II SECT 66
Salaries of Ministers

66. There shall be payable out of the Consolidated Revenue Fund of the Commonwealth, remuneration for the salaries of the Ministers of State, such annual sum as is fixed by the Parliament.

CHAPTER II SECT 67
Appointment of public servants

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 President in Council, unless the appointment is delegated by the President in Council or by a law of the Commonwealth to some other authority.

CHAPTER II SECT 68
Command of defence forces

68. The command in chief of the defence forces of the Commonwealth is vested in the President in Council.

CHAPTER II SECT 70
Certain powers of Governors to vest in the President

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 President, or in the President in Council, or in the authority exercising similar powers under the Commonwealth, as the case requires.

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CHAPTER III
CHAPTER III - THE JUDICATURE

CHAPTER III SECT 71
Judicial power and Courts

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.

CHAPTER III SECT 72
Judges' appointment, tenure, and remuneration

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

- (i) Shall be appointed by the **President** in Council:
- (ii) Shall not be removed except by the **President** 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.

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

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

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

The Parliament may make a law fixing an age that is less than seventy years as the maximum age for Justices of a court created by the Parliament and may at any time repeal or amend such a law, but

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any such repeal or amendment does not affect the term of office of a Justice under an appointment made before the repeal or amendment.

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

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

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

CHAPTER III SECT 73

Appellate jurisdiction of High Court

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:
74. 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.

CHAPTER III SECT 75

Original jurisdiction of High Court

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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.

**CHAPTER III SECT 76
Additional 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.

**CHAPTER III SECT 77
Power to define jurisdiction**

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.

**CHAPTER III SECT 78
Proceedings against Commonwealth or State**

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.

CHAPTER III SECT 79

Number of judges

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

CHAPTER III SECT 80

Trial by jury

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
CHAPTER IV - FINANCE AND TRADE

CHAPTER IV SECT 81
Consolidated Revenue Fund

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.

CHAPTER IV SECT 82
Expenditure charged thereon

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.

CHAPTER IV SECT 83
Money to be appropriated by law

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

CHAPTER IV SECT 84
Transfer of officers

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

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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.

CHAPTER IV SECT 85
Transfer of property of State

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;
 - (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.

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CHAPTER IV SECT 86

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.

CHAPTER IV SECT 88
Uniform duties of customs

88. Uniform duties of customs shall be imposed the Commonwealth.

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CHAPTER IV SECT 90

Exclusive power over customs, excise, and bounties

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.

CHAPTER IV SECT 91

Exceptions as to bounties

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.

CHAPTER IV SECT 92

Trade within the Commonwealth to be free

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.

CHAPTER IV SECT 94

Distribution of surplus

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.

CHAPTER IV SECT 96

Financial assistance to States

96. The Parliament may grant financial assistance to any State on such terms and conditions as the Parliament thinks fit.

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Deleted: 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. .

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CHAPTER IV SECT 98

Trade and commerce includes navigation and State railways

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.

CHAPTER IV SECT 99

Commonwealth not to give preference

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.

CHAPTER IV SECT 100

Nor abridge right to use water

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.

CHAPTER IV SECT 101

Inter-State Commission

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.

CHAPTER IV SECT 102

Parliament may forbid preferences by State

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.

CHAPTER IV SECT 103

Commissioners' appointment, tenure, and remuneration

103. The members of the Inter-State Commission-

- (i) Shall be appointed by the President in Council:
- (ii) Shall hold office for seven years, but may be removed within that time by the President 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.

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CHAPTER IV SECT 104

Saving of certain rates

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.

CHAPTER IV SECT 105

Taking over public debts of States

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

CHAPTER IV SECT 105A

Agreements with respect to State debts

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

*Proposed by David H Denton, QC, Barrister, Melbourne
Adjunct Professor of Law, Victoria University, Melbourne*

- (a) the taking over of such debts by the Commonwealth;
 - (b) the management of such debts;
 - (c) the payment of interest and the provision and management of sinking funds in respect of such debts;
 - (d) the consolidation, renewal, conversion, and redemption of such debts;
 - (e) the indemnification of the Commonwealth by the States in respect of debts taken over by the Commonwealth; and
 - (f) the borrowing of money by the States or by the Commonwealth, or by the Commonwealth for the States.
- (2) The Parliament may make laws for validating any such agreement made before the commencement of this section.
 - (3) The Parliament may make laws for the carrying out by the parties thereto of any such agreement.
 - (4) Any such agreement may be varied or rescinded by the parties thereto.
 - (5) Every such agreement and any such variation thereof shall be binding upon the Commonwealth and the States parties thereto notwithstanding anything contained in this Constitution or the Constitution of the several States or in any law of the Parliament of the Commonwealth or of any State.
 - (6) The powers conferred by this section shall not be construed as being limited in any way by the provisions of section one hundred and five of this Constitution.

CHAPTER V
CHAPTER V - THE STATES

CHAPTER V SECT 106
Saving of Constitutions

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.

CHAPTER V SECT 107
Saving of Power of State Parliaments

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.

CHAPTER V SECT 108
Saving of State laws

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.

CHAPTER V SECT 109
Inconsistency of laws

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.

CHAPTER V SECT 110

Provisions referring to Governor

- 110(1) 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.
- (2) The Parliament shall, subject to this Constitution, have the power to make laws to give effect to the provisions of section 1A and section 3G.

CHAPTER V SECT 111

States may surrender territory

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.

CHAPTER V SECT 112

States may levy charges for inspection laws

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.

CHAPTER V SECT 113

Intoxicating liquids

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.

CHAPTER V SECT 114

States may not raise forces. Taxation of property of Commonwealth or 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.

**CHAPTER V SECT 115
States not to coin money**

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

**CHAPTER V SECT 116
Commonwealth not to legislate in respect of religion**

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.

**CHAPTER V SECT 117
Rights of residents in States**

117. An Australian citizen, 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 an Australian citizen resident in such other State.

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**CHAPTER V SECT 118
Recognition of laws, &c. of States**

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.

**CHAPTER V SECT 119
Protection of States from invasion and violence**

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

**CHAPTER V SECT 120
Custody of offenders against laws of the Commonwealth**

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
CHAPTER VI - NEW STATES

CHAPTER VI SECT 121

New States may be admitted or established

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.

CHAPTER VI SECT 122

Government of territories

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 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.

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CHAPTER VI SECT 123

Alteration of limits of States

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.

CHAPTER VI SECT 124

Formation of new States

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
CHAPTER VII - MISCELLANEOUS

CHAPTER VII SECT 125
Seat of Government

125. The seat of Government of the Commonwealth shall be Canberra.

CHAPTER VII SECT 126

The President may appoint delegates.

126. The President may with the advice of the Federal Executive Council, appoint any person, or any persons jointly or severally, to be his or her delegate or delegates within any part of the Commonwealth, and in that capacity to exercise during the pleasure of the President such powers and functions of the President as he or she thinks fit to assign to such delegate or delegates; but the appointment of such delegate or delegates shall not affect the exercise by the President himself or herself of any power or function.

CHAPTER VII SECT 127

Transition to federal republic

127 With the exception of the Crown and the Governor-General, the amendment to the Constitution effecting a federal republic:
(i) shall not affect the holding of any office established by or referred to in the Constitution, and a person holding the office immediately before this amendment takes effect shall continue to hold the office as if this amendment has not been made;
(ii) shall take effect not later than twelve months from the date of its enactment, but the Parliaments of the Commonwealth and the States and the legislatures of the Territories of the Commonwealth may make at any time after the enactment of this amendment make any such laws, to come into operation on the day when this amendment takes effect, as they could have made if this amendment had taken effect on its enactment.

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Deleted: 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.

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CHAPTER VIII
CHAPTER VIII - ALTERATION OF THE CONSTITUTION

CHAPTER VIII SECT 128

Mode of altering 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 President acting upon the advice of the Federal Executive Council may submit the proposed law as last proposed by the first-mentioned House, and either with or without any amendments subsequently agreed to by both Houses, to the electors in each State and Territory qualified to vote for the election of the House of Representatives.

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

And if in a majority of the States a majority of the electors voting approve the proposed law, and if a majority of all the electors voting also approve the proposed law, it shall be presented to the President who shall assent to it.

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.

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SCHEDULE

SCHEDULE

OATH

I, A.B., do swear that I will be faithful and bear true allegiance to the Constitution and the People of the Commonwealth of Australia 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 the Constitution and the People of the Commonwealth of Australia according to law.

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