Brief of Evidence

Annexure Book 2 (B2)

Alleged Crimes Committed by

THE AUSTRALIAN GOVERNMENTS' and its Agents

By Exercising and Enforcing Its Own Unlawful Legislative Power Without Lawful Ceded Authority or Sovereignty over the People on the Landmass Commonly Known as Australia

The Crown That Was Once Bound

The Commonwealth of Australia Constitution Act 1900 UK, The Broken Social Compact, A Dictatorship Disguised as a Democracy



This Book accompanies; Book 2 Summary of Allegations and Affidavit (separate)

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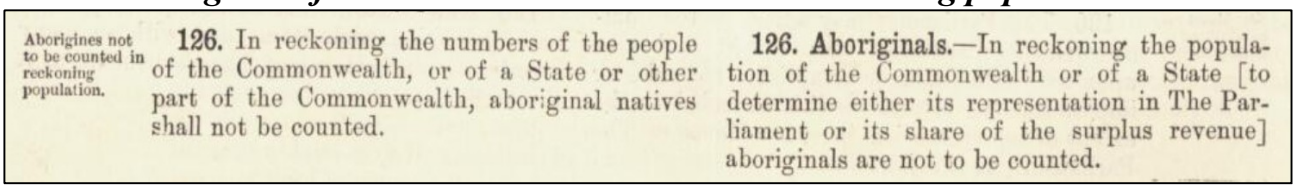
Annexure B2-01

Aborigines of Australia not to be counted in reckoning population

Source	Chapter VII, Miscellaneous, of the Draft Bill, as extracted (counterpart of s 126 of the Act) then after the alteration in UK.this changed to s127 number as printed. Link https://nla.gov.au/nla.obj-10807462/view?partId=nla.obj-110823347#page/n0/mode/1up. Extract screenshot from Original
Evidence Tendered	That Aboriginal people were excluded from the population count until the 1967 referendum, and the background to the restricted franchise (paragraphs 4.3 and 4.4).
Items	2 images follow

B2-01, item1 of 2 - VII, Miscellaneous, In the Draft Bill to Constitute at 126
"Aborigines of Australia not to be counted in reckoning population".

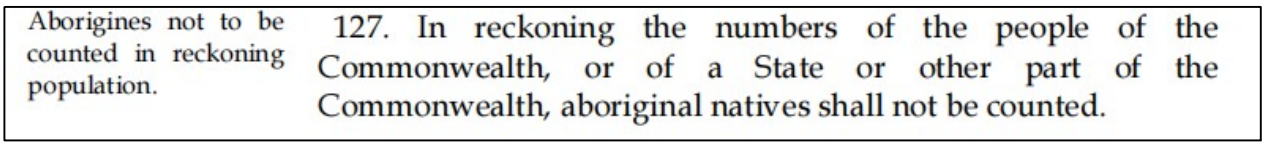


Aborigines not to be counted in reckoning population.

126. 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.

126. Aboriginals.—In reckoning the population of the Commonwealth or of a State [to determine either its representation in The Parliament or its share of the surplus revenue] aboriginals are not to be counted.

B2-01, item 2 of 2. Detail of 127 the clause from the Commonwealth of Australia Constitution Act 1900 UK



Aborigines not to be counted in reckoning population.

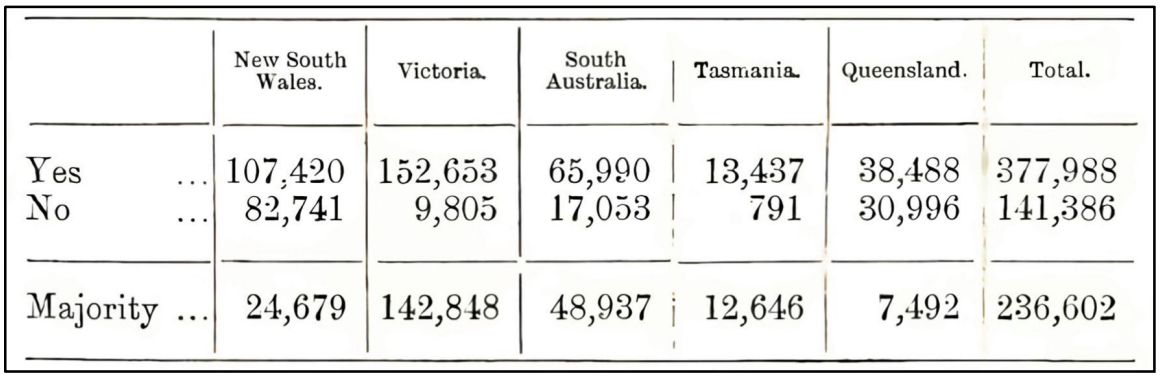
127. In reckoning the numbers of the people of the Commonwealth, or of a State or other part of the Commonwealth, aboriginal natives shall not be counted.

Annexure B2-02

Result of the referendums in the five colonies

Source	Quick, J. and Garran, R.R., The Annotated Constitution of the Australian Commonwealth (Angus & Robertson, 1901), p. 225. Screenshot Link:The annotated constitution of the Australian Commonwealth : Quick, John, Sir, 1852-1932 : Free Download, Borrow, and Streaming : Internet Archive
Evidence Tendered	Yes 377,988; No 141,386 (519,374 votes cast); majority 236,602. The five colony figures add to the stated totals (arithmetic checked).
Items	1 image follows

B2-02, item 1 of 1. Referendum results by colony: New South Wales, Victoria, South Australia, Tasmania, Queensland, Total.



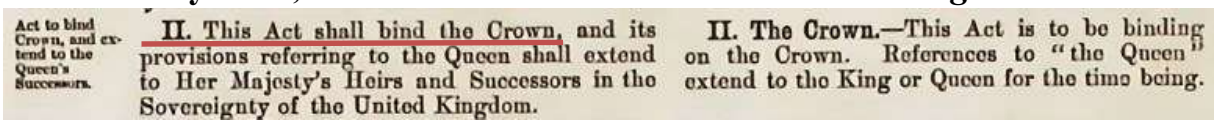
	New South Wales.	Victoria.	South Australia.	Tasmania.	Queensland.	Total.
Yes ...	107,420	152,653	65,990	13,437	38,488	377,988
No ...	82,741	9,805	17,053	791	30,996	141,386
Majority ...	24,679	142,848	48,937	12,646	7,492	236,602

Annexure B2-03

Covering clause 2: the 1898 Draft Bill compared with the Act as enacted

Source	1898 Draft Bill and Introductory Note, National Library of Australia: https://nla.gov.au/nla.obj-110807462/view?partId=nla.obj-110823347#page/n0/mode/1up ; Commonwealth of Australia Constitution Act 1900 (UK), covering clause 2. Screen Shot
Evidence Tendered	That covering clause 2 of the Bill the electors approved begins *"This Act shall bind the Crown"*, that the Introductory Note describes it as *"binding on the Crown"*, and that the enacted clause 2 does not contain those words (paragraphs 5.5 and 5.7).
Items	2 images follow

B2-03, item 1 of 2. Left: covering clause 2 of the 1898 Draft Bill. Right: Introductory Note, *"II. The Crown.—This Act is to be binding on the Crown."*

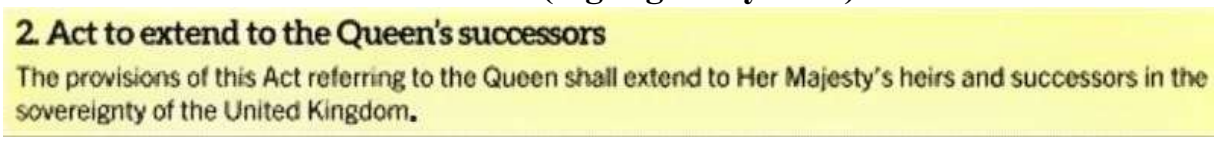


Act to bind Crown, and extend to the Queen's Successors.

II. This Act shall bind the Crown, and its provisions referring to the Queen shall extend to Her Majesty's Heirs and Successors in the Sovereignty of the United Kingdom.

II. The Crown.—This Act is to be binding on the Crown. References to "the Queen" extend to the King or Queen for the time being.

B2-03, item 2 of 2. Covering clause 2 as enacted: *"Act to extend to the Queen's successors"* (highlighted yellow).



2. Act to extend to the Queen's successors

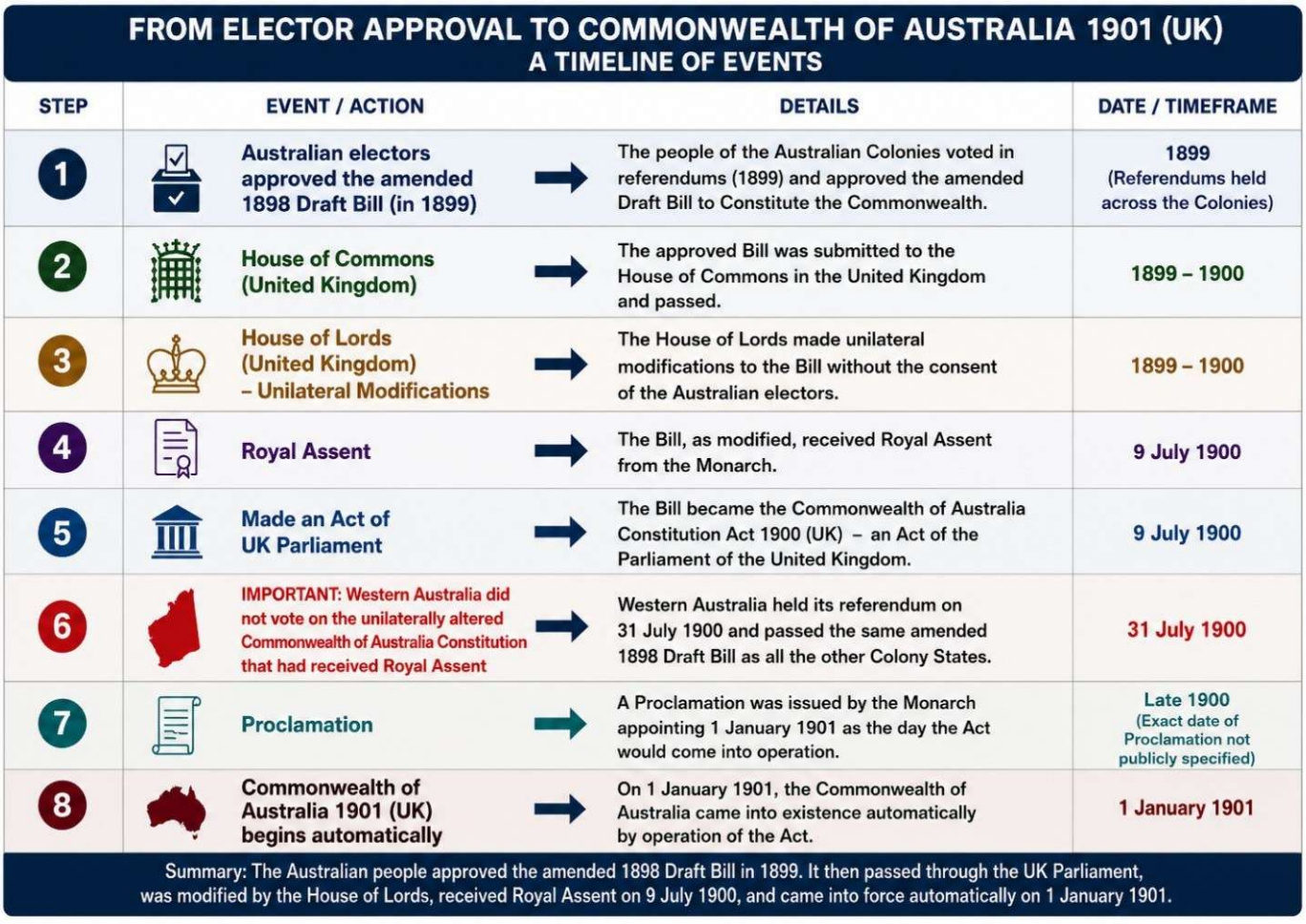
The provisions of this Act referring to the Queen shall extend to Her Majesty's heirs and successors in the sovereignty of the United Kingdom.

Annexure B2-04

Timeline: from elector approval to Commonwealth of Australia 1901 (UK)

Source	Summary graphic prepared by UCSA from the primary documents in this Annexure Book. Link: Ucsa.land UCSA
Evidence Tendered	Demonstrative aid to the sequence of events. The primary documents are the other Annexures.
Items	1 image follows

B2-04, item 1 of 1. From elector approval to Commonwealth of Australia 1901 (UK): a timeline of events.

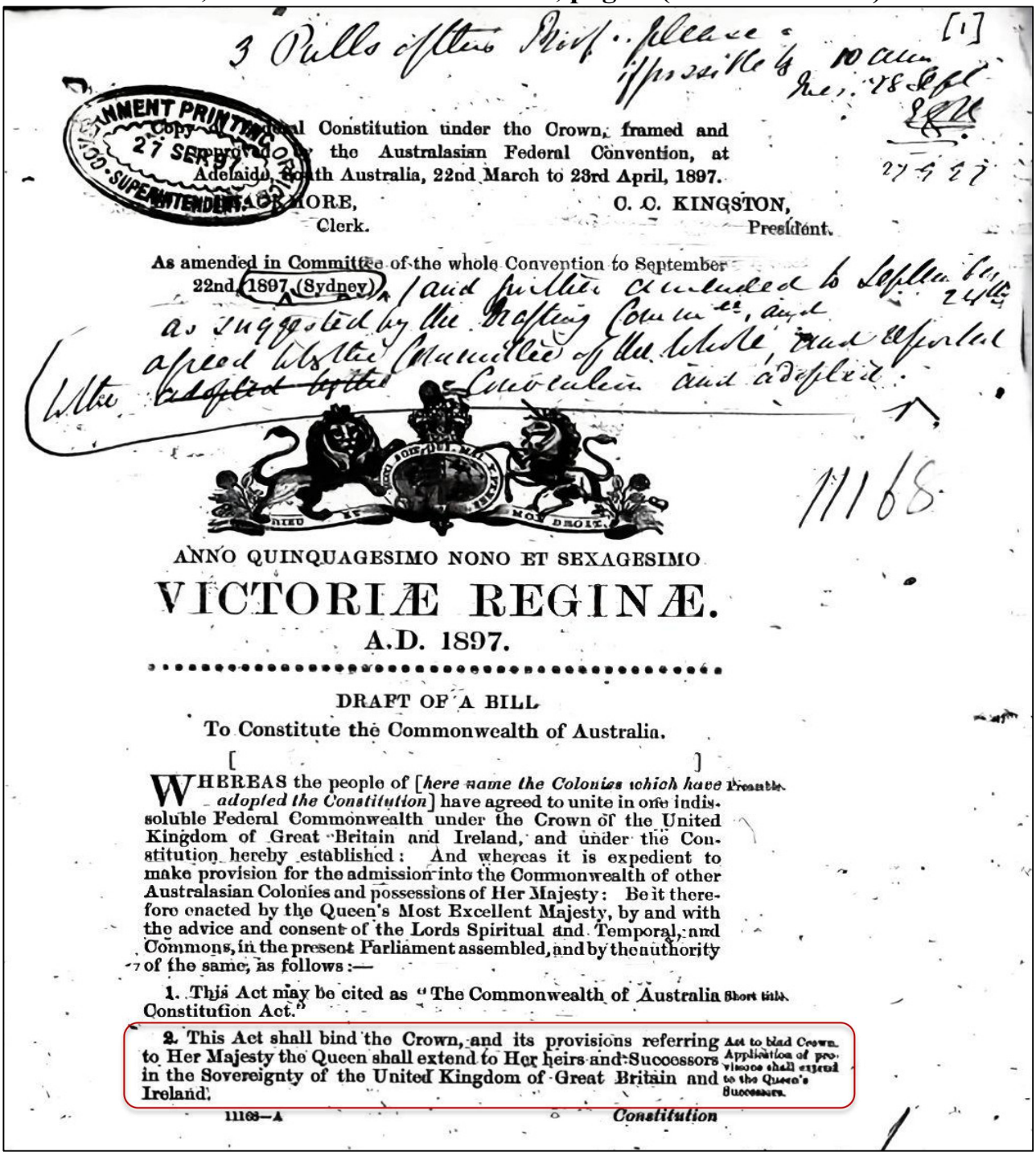


Annexure B2-05

South Australia: 1897 Draft Bill to Constitute the Commonwealth of Australia, page 1

Source	South Australian printing of the 1897 Draft Bill, Screen Shot Link:
Evidence Tendered	That covering clause 2 of the 1897 Draft included *"This Act shall bind the Crown"* (paragraph 7.2).
Items	1 image follows

B2-05, item 1 of 1. 1897 Draft Bill, page 1 (South Australia).



3 Pulls of this Proof. please if possible by 10 am Mes. 28 Sept

[1]

27 9 97

GOVERNMENT PRINTING OFFICE 27 SEP 97 SUPERINTENDENT

Copy of Federal Constitution under the Crown, framed and approved by the Australasian Federal Convention, at Adelaide, South Australia, 22nd March to 23rd April, 1897.

[illegible] MORE, Clerk. C. C. KINGSTON, President.

As amended in Committee of the whole Convention to September 22nd 1897 (Sydney) and further amended to September 24th as suggested by the Drafting Committee, and agreed to by the Committee of the whole, and reported to the Convention and adopted.

11168

ANNO QUINQUAGESIMO NONO ET SEXAGESIMO

VICTORIÆ REGINÆ.

A.D. 1897.

DRAFT OF A BILL

To Constitute the Commonwealth of Australia.

[ ]

WHEREAS the people of [*here name the Colonies which have adopted the Constitution*] 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 make provision for the admission into the Commonwealth of other Australasian Colonies and possessions of Her Majesty: 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 the present Parliament assembled, and by the authority of the same, as follows:— Preamble.

1. This Act may be cited as "The Commonwealth of Australia Constitution Act." Short title.

2. This Act shall bind the Crown, and its provisions referring to Her Majesty the Queen shall extend to Her heirs and Successors in the Sovereignty of the United Kingdom of Great Britain and Ireland. Act to bind Crown. Application of provisions shall extend to the Queen's Successors.

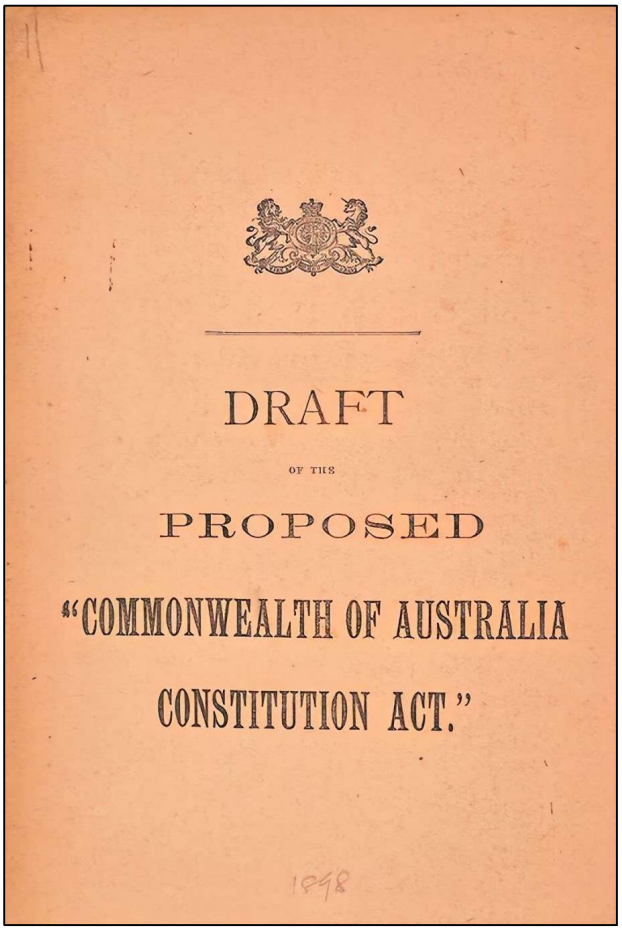
11168—A Constitution

Annexure B2-06

1898 Draft of the proposed *"Commonwealth of Australia Constitution Act"* (rejected by NSW electors, 1898)

Source	Printed draft, 1898 Link:
Evidence Tendered	That covering clause 2 of the 1898 Draft included *"This Act shall bind the Crown"* (paragraph 7.3).
Items	2 images follow

B2-06, item 1 of 2. Cover: Draft of the proposed *"Commonwealth of Australia Constitution Act"*.



DRAFT

OF THE

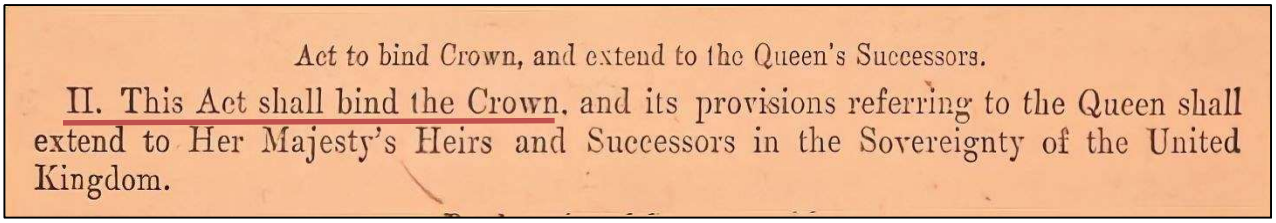
PROPOSED

"COMMONWEALTH OF AUSTRALIA

CONSTITUTION ACT."

1898

B2-06, item 2 of 2. Covering clause 2: *"Act to bind the Crown, and extend to her Queen's Successors".*



Act to bind Crown, and extend to the Queen's Successors.

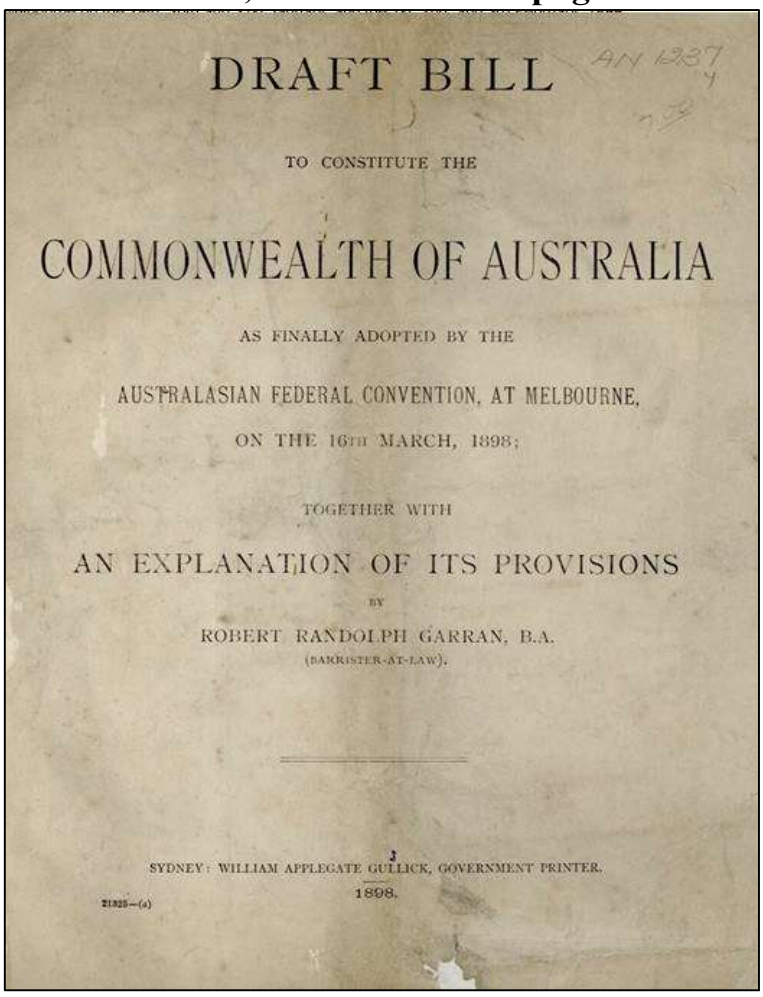
II. This Act shall bind the Crown, and its provisions referring to the Queen shall extend to Her Majesty's Heirs and Successors in the Sovereignty of the United Kingdom.

Annexure B2-07

Draft Bill to Constitute the Commonwealth of Australia, as finally adopted at Melbourne on 16 March 1898, with an explanation of its provisions by R. R. Garran

Source	Government Printer, Sydney, 1899. Link:https://nla.gov.au/nla.obj-10807462/view?partId=nla.obj-110823347#page/n0/mode/1up
Evidence Tendered	That the Bill sent for Imperial passage, as amended by the Premiers in February 1899, retained *"This Act shall bind the Crown"* in covering clause 2 (paragraph 7.4).
Items	2 images follow

B2-07, item 1 of 2. Title page.



DRAFT BILL

TO CONSTITUTE THE

COMMONWEALTH OF AUSTRALIA

AS FINALLY ADOPTED BY THE

AUSTRALASIAN FEDERAL CONVENTION, AT MELBOURNE,

ON THE 16th MARCH, 1898;

TOGETHER WITH

AN EXPLANATION OF ITS PROVISIONS

BY

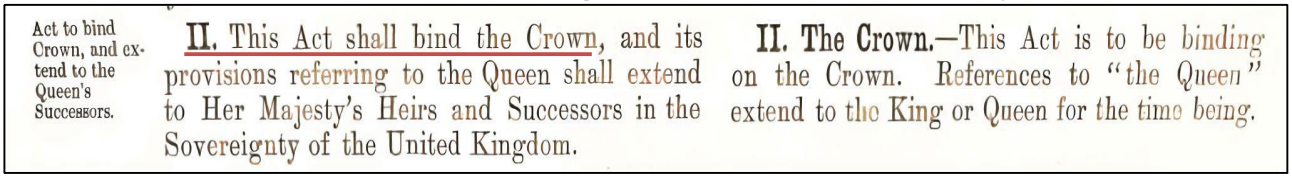
ROBERT RANDOLPH GARRAN, B.A.

(BARRISTER-AT-LAW).

SYDNEY: WILLIAM APPLEGATE GULLICK, GOVERNMENT PRINTER.

1898.

B2-07, item 2 of 2. Covering clause 2 and Introductory Note.



Act to bind Crown, and extend to the Queen's Successors.

II. This Act shall bind the Crown, and its provisions referring to the Queen shall extend to Her Majesty's Heirs and Successors in the Sovereignty of the United Kingdom.

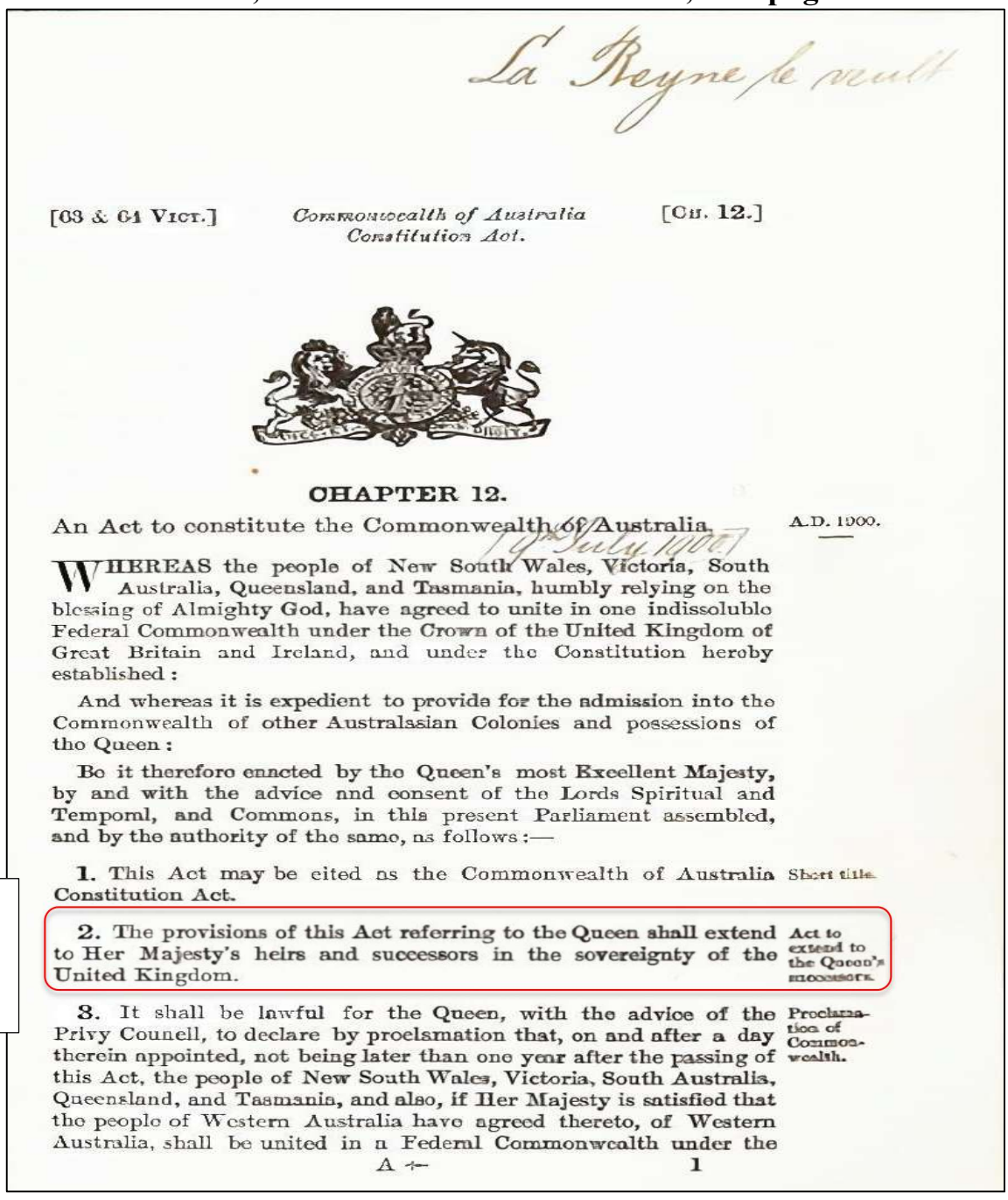
II. The Crown.—This Act is to be binding on the Crown. References to "the Queen" extend to the King or Queen for the time being.

Annexure B2-08

Commonwealth of Australia Constitution Act 1900 (UK), 63 & 64 Vict. c. 12 — first page

Source	Act of the UK Parliament, Royal Assent 9 July 1900. Current authorised text: Link:https://www.legislation.gov.au/C1900Q00005/latest/text
Evidence Tendered	The Act as enacted, including covering clause 2 without the words *"This Act shall bind the Crown"* (paragraph 7.5).
Items	1 image follows

B2-08, item 1 of 1. 63 & 64 Vict. c. 12, first page.



La Reyne le veult

[63 & 64 VICT.] *Commonwealth of Australia Constitution Act.* [CH. 12.]

CHAPTER 12.

An Act to constitute the Commonwealth of Australia. A.D. 1900.

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. Short title.

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. Act to extend to the Queen's successors.

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 Proclamation of Commonwealth.

A 1

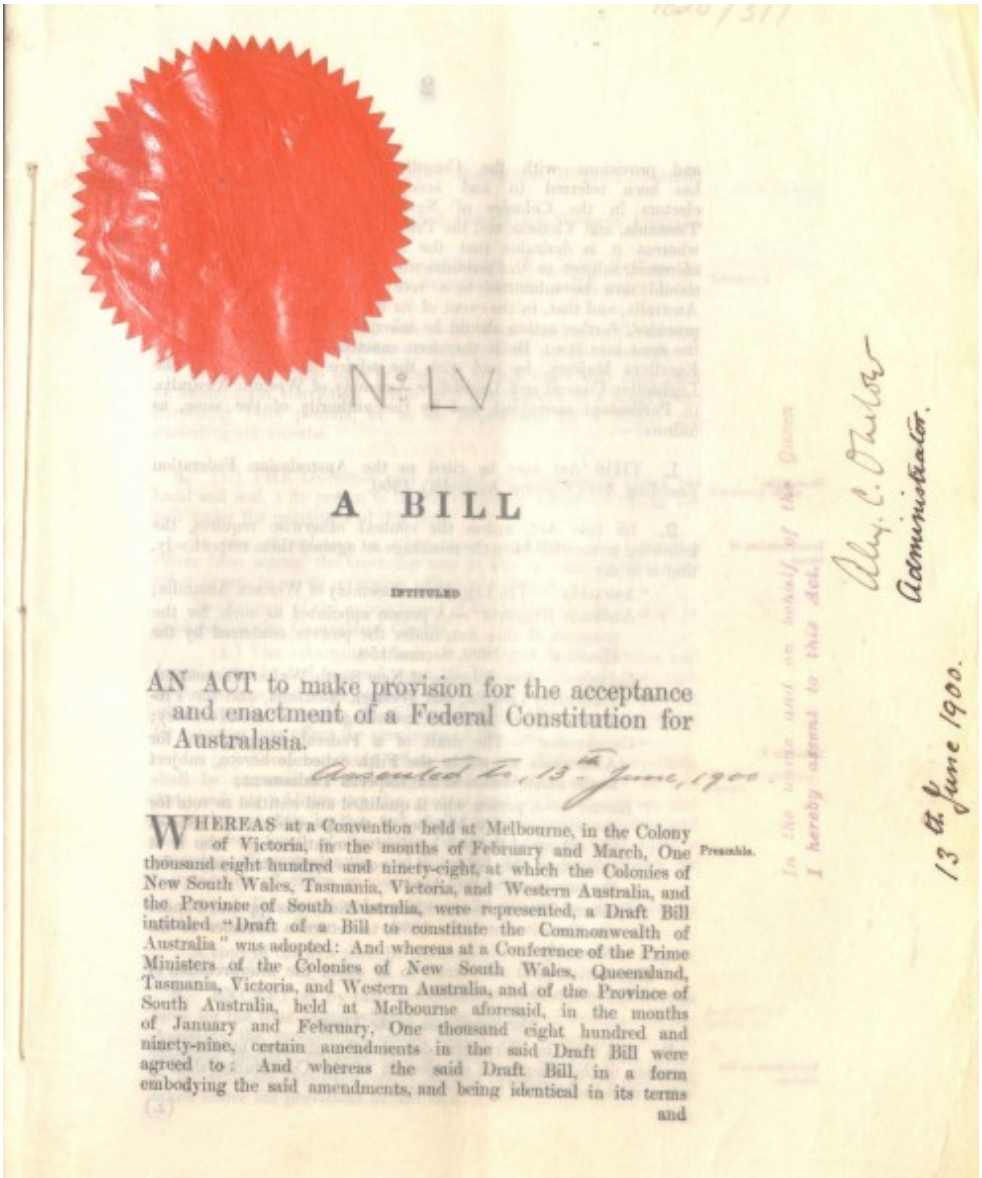
"This Act shall bind the Crown" removed

Annexure B2-09

Western Australia: Enabling Act of 13 June 1900 (63 Vict. No. 56) and Schedule V

Source	Western Australian Act, *"An Act to make provision for the acceptance and enactment of a Federal Constitution for Australasia"*, assented 13 June 1900.Link: Australasian Federation Enabling Act (Western Australia) 1900 - [00-00-00].pdf
Evidence Tendered	**(a)** That Schedule V, the Bill put to Western Australian electors, contains *"This Act shall bind the Crown"* in covering clause 2; and **(b)** the disclosed words *"subject to the amendments of the Imperial Parliament"* (paragraphs 10.3, 10.4 and 16.6).
Items	4 images follow

B2-09, item 1 of 4. The Western Australian Bill, 13 June 1900



N° LV

A BILL

INTITULED

AN ACT to make provision for the acceptance and enactment of a Federal Constitution for Australasia.

Assented to, 13th June, 1900.

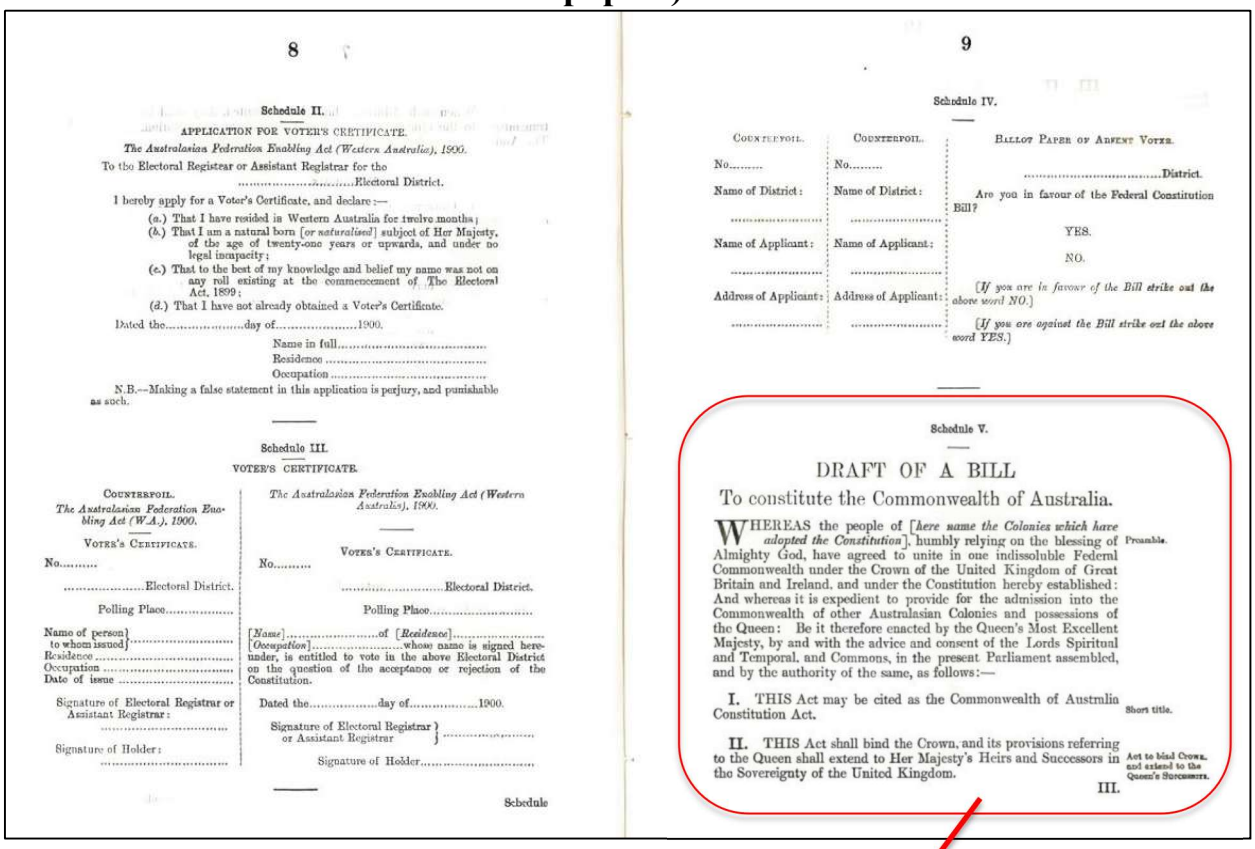
Preamble.

WHEREAS at a Convention held at Melbourne, in the Colony of Victoria, in the months of February and March, One thousand eight hundred and ninety-eight, at which the Colonies of New South Wales, Tasmania, Victoria, and Western Australia, and the Province of South Australia, were represented, a Draft Bill intituled "Draft of a Bill to constitute the Commonwealth of Australia" was adopted: And whereas at a Conference of the Prime Ministers of the Colonies of New South Wales, Queensland, Tasmania, Victoria, and Western Australia, and of the Province of South Australia, held at Melbourne aforesaid, in the months of January and February, One thousand eight hundred and ninety-nine, certain amendments in the said Draft Bill were agreed to: And whereas the said Draft Bill, in a form embodying the said amendments, and being identical in its terms and

Alex. C. Onslow Administrator.

13th June 1900.

B2-09, item 2 of 4. Pages 8–9: schedules (forms and ballot papers).



8

Schedule II.

APPLICATION FOR VOTER'S CERTIFICATE.

The Australasian Federation Enabling Act (Western Australia), 1900.

To the Electoral Registrar or Assistant Registrar for the .....Electoral District.

I hereby apply for a Voter's Certificate, and declare:—

(a.) That I have resided in Western Australia for twelve months;
(b.) That I am a natural born [*or naturalised*] subject of Her Majesty, of the age of twenty-one years or upwards, and under no legal incapacity;
(c.) That to the best of my knowledge and belief my name was not on any roll existing at the commencement of The Electoral Act, 1899;
(d.) That I have not already obtained a Voter's Certificate.

Dated the.....day of.....1900.

Name in full.....
Residence .....
Occupation .....

N.B.—Making a false statement in this application is perjury, and punishable as such.

Schedule III.

VOTER'S CERTIFICATE.

Counterfoil. *The Australasian Federation Enabling Act (W.A.), 1900.*	*The Australasian Federation Enabling Act (Western Australia), 1900.*
Voter's Certificate.	Voter's Certificate.
No.....	No.....
.....Electoral District.	.....Electoral District.
Polling Place.....	Polling Place.....
Name of person to whom issued.....	[*Name*].....of [*Residence*].....
Residence	[*Occupation*].....whose name is signed hereunder, is entitled to vote in the above Electoral District on the question of the acceptance or rejection of the Constitution.
Occupation	
Date of issue	
Signature of Electoral Registrar or Assistant Registrar:	Dated the.....day of.....1900.
	Signature of Electoral Registrar or Assistant Registrar .....
Signature of Holder:	Signature of Holder.....

Schedule

9

Schedule IV.

Counterfoil.	Counterfoil.	Ballot Paper of Absent Voter.
No.....	No.....	.....District.
Name of District:	Name of District:	Are you in favour of the Federal Constitution Bill?
Name of Applicant:	Name of Applicant:	YES. NO.
Address of Applicant:	Address of Applicant:	[*If you are in favour of the Bill strike out the above word NO.*] [*If you are against the Bill strike out the above word YES.*]

Schedule V.

DRAFT OF A BILL

To constitute the Commonwealth of Australia.

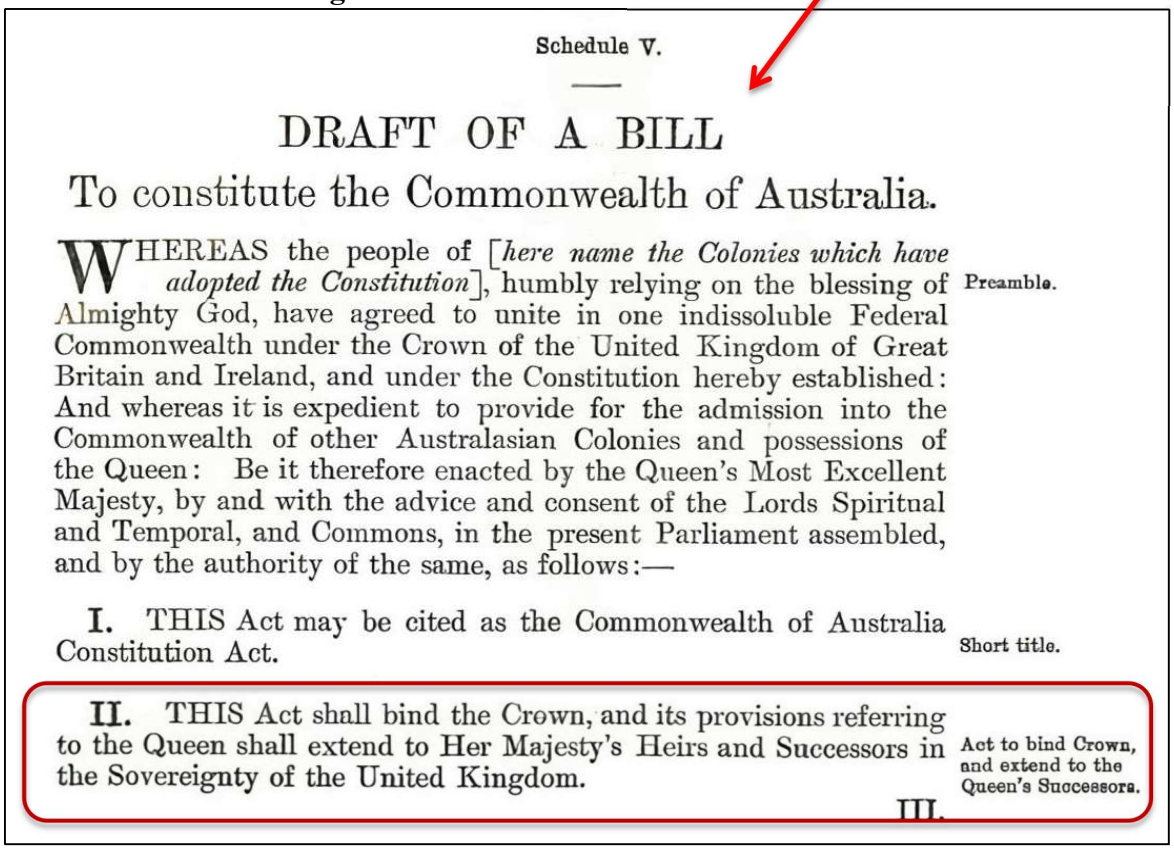
WHEREAS the people of [*here name the Colonies which have adopted the Constitution*], humbly relying on the blessing of Almighty God, have agreed to unite in one indissoluble Federal Commonwealth under the Crown of the United Kingdom of Great Britain and Ireland, and under the Constitution hereby established: 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 the present Parliament assembled, and by the authority of the same, as follows:— Preamble.

I. THIS Act may be cited as the Commonwealth of Australia Constitution Act. Short title.

II. THIS Act shall bind the Crown, and its provisions referring to the Queen shall extend to Her Majesty's Heirs and Successors in the Sovereignty of the United Kingdom. Act to bind Crown, and extend to the Queen's Successors.

III.

B2-09, item 3 of 4. Schedule V: Draft of a Bill to constitute the Commonwealth of Australia, covering clause 2: *"This Act shall bind the Crown …"*



Schedule V.

DRAFT OF A BILL

To constitute the Commonwealth of Australia.

WHEREAS the people of [*here name the Colonies which have adopted the Constitution*], 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 the present Parliament assembled, and by the authority of the same, as follows:— Preamble.

I. THIS Act may be cited as the Commonwealth of Australia Constitution Act. Short title.

II. THIS Act shall bind the Crown, and its provisions referring to the Queen shall extend to Her Majesty's Heirs and Successors in the Sovereignty of the United Kingdom. Act to bind Crown, and extend to the Queen's Successors.

III.

B2-09, item 4 of 4. Recital containing *"subject to the amendments of the Imperial Parliament"* (highlighted).

WESTERN AUSTRALIA.

ANNO SEXAGESIMO TERTIO

VICTORIÆ REGINÆ.

****

No. LV

AN ACT to make provision for the acceptance and enactment of a Federal Constitution for Australasia.

[*Assented to 13th June,* 1900.]

Preamble.

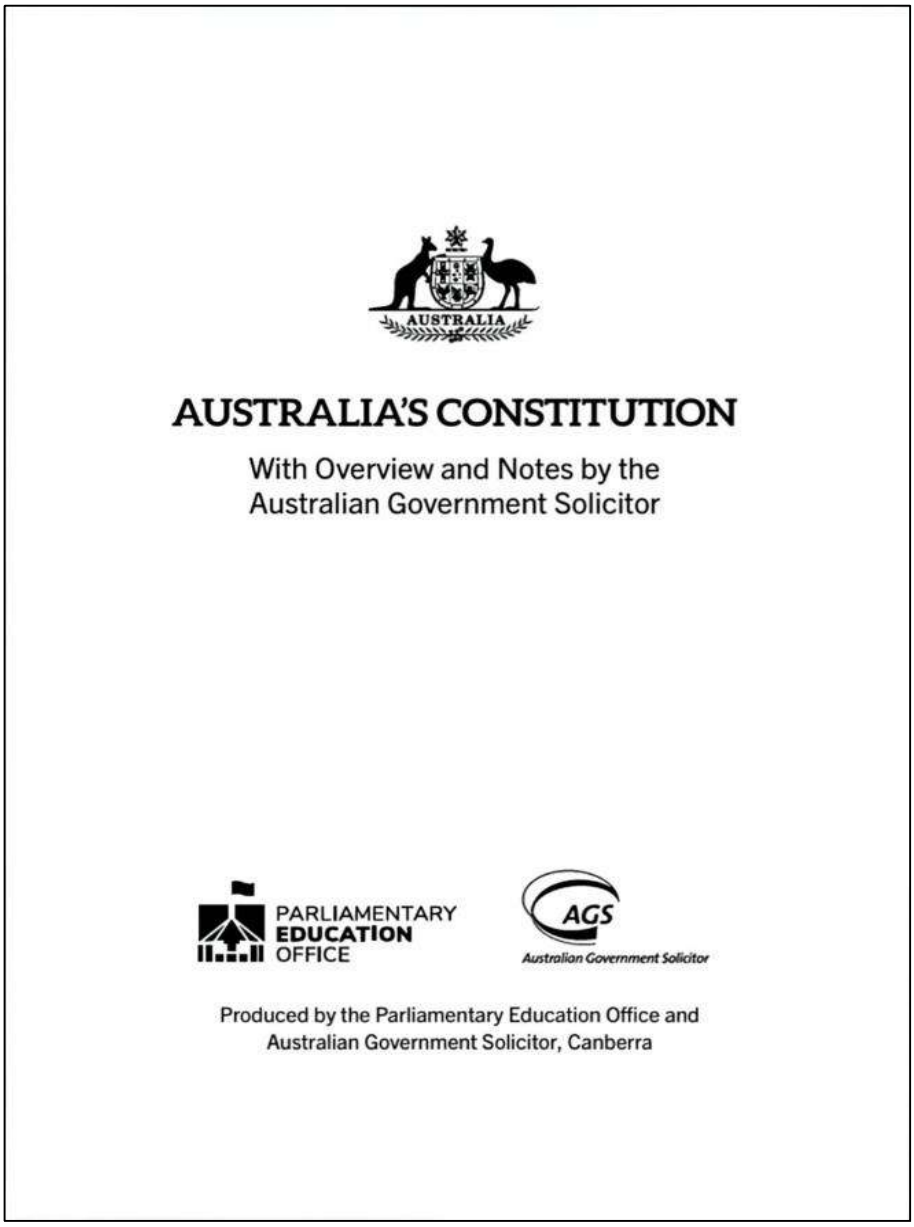
WHEREAS at a Convention held at Melbourne, in the Colony of Victoria, in the months of February and March, One thousand eight hundred and ninety-eight, at which the Colonies of New South Wales, Tasmania, Victoria, and Western Australia, and the Province of South Australia, were represented, a Draft Bill intituled "Draft of a Bill to constitute the Commonwealth of Australia" was adopted: And whereas at a Conference of the Prime Ministers of the Colonies of New South Wales, Queensland, Tasmania, Victoria, and Western Australia, and of the Province of South Australia, held at Melbourne aforesaid, in the months of January and February, One thousand eight hundred and ninety-nine, certain amendments in the said Draft Bill were agreed to: And whereas the said Draft Bill, in a form embodying the said amendments, and being identical in its terms and provisions with the Constitution hereinafter mentioned, has been referred to and accepted by a majority of the electors in the Colonies of New South Wales, Queensland, Tasmania, and Victoria, and the Province of South Australia: And whereas it is desirable that the said Draft Bill, in the form aforesaid, subject to the amendments of the Imperial Parliament, should now be submitted to a vote of the electors of Western Australia, and that, in the event of its being accepted as herein-

Annexure B2-10

Australia's Constitution, with Overview and Notes by the Australian Government Solicitor (2025)

Source	Parliamentary Education Office and Australian Government Solicitor, Canberra. Link:
Evidence Tendered	The Constitution as it is published and relied on by THE AUSTRALIAN GOVERNMENT today, with covering clause 2 (underlined) lacking the words *"This Act shall bind the Crown"* (Part 10).
Items	2 images follow

B2-10, item 1 of 2. Cover



B2-10, item 2 of 2. The Act, with covering clause 2 underlined.

Commonwealth of Australia Constitution Act

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. Short title

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

2. Act to extend to the Queen's successors

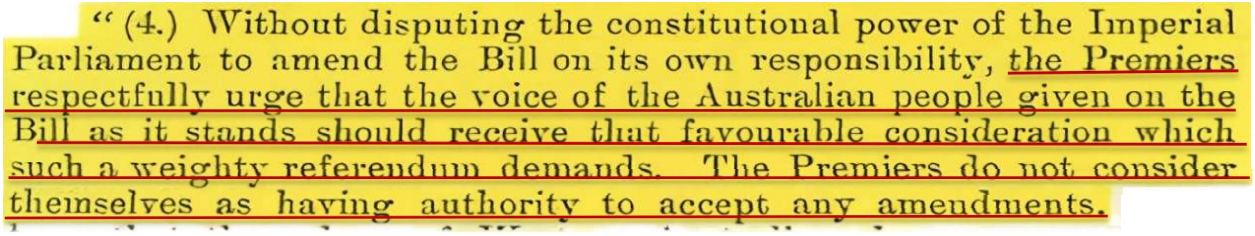
The provisions of this Act referring to the Queen shall extend to Her Majesty's heirs and successors in the sovereignty of the United Kingdom.

Annexure B2-11

Quick & Garran, The Annotated Constitution: the Delegates, the Premiers and the Imperial Amendments (extracts)

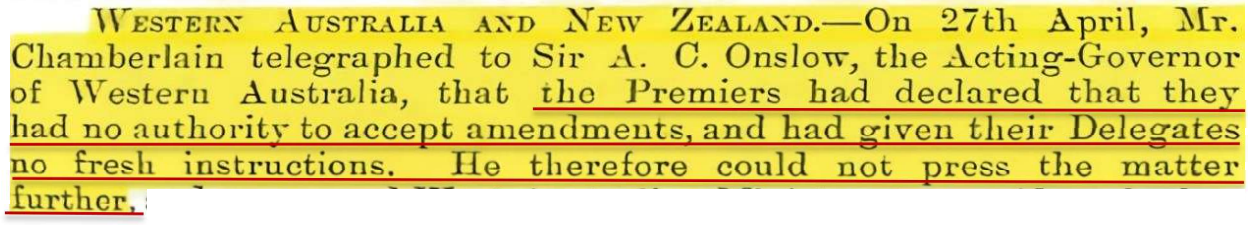
Source	Quick, J. and Garran, R.R., The Annotated Constitution of the Australian Commonwealth (Angus & Robertson, 1901). Highlighting and underlining are the compiler's. Link: to UCSA.land TBA
Evidence Tendered	The mandate of the Delegates to seek passage *"without amendment"*; the Premiers' statement that they had no authority to accept amendments; the unilateral Imperial Parliament amendments including the omission of *"This Act shall bind the Crown."*
Items	23 images follow

B2-11, item 1 of 23. Extract 1 (p. 237): Premiers' telegram: *"Without disputing the constitutional power of the Imperial Parliament to amend the Bill on its own responsibility … The Premiers do not consider themselves as having authority to accept any amendments."*



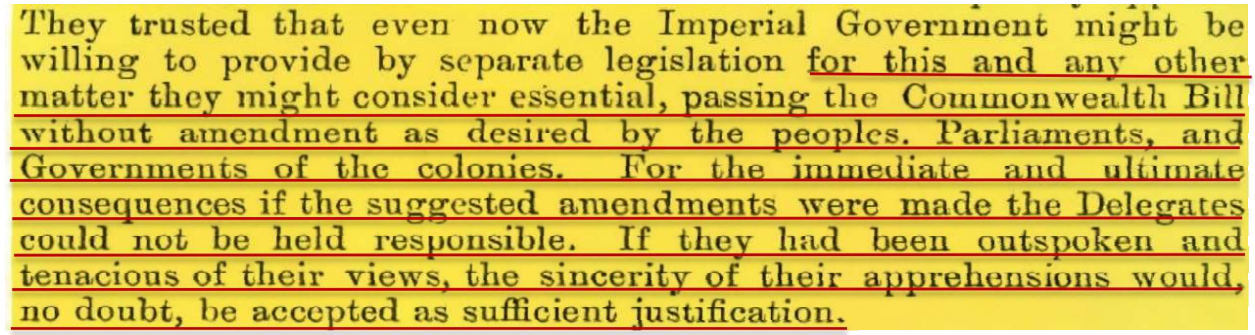
"(4.) Without disputing the constitutional power of the Imperial Parliament to amend the Bill on its own responsibility, the Premiers respectfully urge that the voice of the Australian people given on the Bill as it stands should receive that favourable consideration which such a weighty referendum demands. The Premiers do not consider themselves as having authority to accept any amendments.

B2-11, item 2 of 23. Extract 2 (p. 237): Mr Chamberlain's telegram to the Acting-Governor of Western Australia, 27 April: the Premiers had declared they had no authority to accept amendments and had given the Delegates no fresh instructions.



WESTERN AUSTRALIA AND NEW ZEALAND.—On 27th April, Mr. Chamberlain telegraphed to Sir A. C. Onslow, the Acting-Governor of Western Australia, that the Premiers had declared that they had no authority to accept amendments, and had given their Delegates no fresh instructions. He therefore could not press the matter further.

B2-11, item 3 of 23. Extract 3 (p. 242): Delegates: passing the Bill *"without amendment as desired by the peoples, Parliaments, and Governments of the colonies".*



They trusted that even now the Imperial Government might be willing to provide by separate legislation for this and any other matter they might consider essential, passing the Commonwealth Bill without amendment as desired by the peoples, Parliaments, and Governments of the colonies. For the immediate and ultimate consequences if the suggested amendments were made the Delegates could not be held responsible. If they had been outspoken and tenacious of their views, the sincerity of their apprehensions would, no doubt, be accepted as sufficient justification.

B2-11, item 4 of 23. Extract 4 (p. 229): ***"the delegation should represent all the federating colonies in unitedly urging the passage of the Bill through the Imperial Parliament without amendment"***

It was agreed that the delegation should represent all the federating colonies in unitedly urging the passage of the Bill through the Imperial Parliament without amendment, and in explaining any legal or constitutional questions that might arise.

B2-11, item 5 of 23. Extract 5 (p. 229): ***"It was evident from the outset that, whilst the Delegates were anxious to secure the passage of the Bill without amendment, the Imperial Government were equally anxious to amend certain provisions which seemed to them to affect Imperial interests."***

It was evident from the outset that, whilst the Delegates were anxious to secure the passage of the Bill without amendment, the Imperial Government were equally anxious to amend certain provisions which seemed to them to affect Imperial interests.

B2-11, item 6 of 23. Extract 6 (p. 237): ***"the Commonwealth Bill belongs therefore in a very special sense to the people of Australia, whose only mandate to Governments and Parliaments is to seek its enactment by the Imperial Parliament in the form in which it was adopted by the people."***

It was yet again debated in the Premiers' Conference prior to the last referendum, and no alteration was made in the form of the Bill. The vote was then taken and the Bill was adopted by a large majority of the electors; (c) the Commonwealth Bill belongs therefore in a very special sense to the people of Australia, whose only mandate to Governments and Parliaments is to seek its enactment by the Imperial Parliament in the form in which it was adopted by the people.

B2-11, item 7 of 23. Extract 7 (p. 246): Mr Chamberlain: the Delegates, ***"finding it impossible to carry out what they believed to be their mandate"*****, were** ***"most considerate"*****, and he had** ***"arrived at an absolute agreement with four of them"*****. (Adverse: see paragraph 16.4.)**

The Delegates, too, finding it impossible to carry out what they believed to be their mandate to secure the passage of the Bill without amendment, had been most considerate, and he had now arrived at an absolute agreement with four of them.

B2-11, item 8 of 23. Extract 8 (p. 229): the Imperial amendments. *"(2) In covering clause 2, the words 'This Act shall bind the Crown' were proposed to be omitted, as involving an unnecessary interference with the prerogative."* (underlined)

These amendments, only five in number, were wholly confined to the covering clauses of the Bill. (1) As regards Privy Council appeals, it was proposed to modify the effect of clause 74 by adding to covering clause 5 a declaration that nothing in the Act or the Constitution should affect any prerogative of the Crown to grant special leave of appeal to Her Majesty in Council. (2) In covering clause 2, the words "This Act shall bind the Crown" were proposed to be omitted, as involving an unnecessary interference with the prerogative. (3) In covering clause 5, the provision that the laws of the Commonwealth should be in force on British ships plying between ports of the Commonwealth was proposed to be omitted as being too wide and involving a possible conflict of jurisdiction; whilst it was thought that all necessary powers of legislation in respect of the coasting trade were given by sec. 736 of the Merchant Shipping Act, 1894 (see p. 50, *supra*). (4) It was proposed to declare, in covering clause 5, that the laws of the Commonwealth were "colonial laws" within the meaning of the Colonial Laws Validity Act, 1865 (28 and 29 Vic. c. 63). A contention had been raised in Canada that this Act was not fully applicable to laws of the Dominion (see Lefroy, Legisl. Power in Canada, pp. 227-8); and the Crown Law Officers feared that in Australia a similar contention might derive some support from the definition of "colony" in covering clause 6. (5) It was proposed that the Constitution, instead of being appended to covering clause 9, should be placed as a schedule to the Act.

B2-11, item 9 of 23. Extract 9 (p. 230): the Delegates' Memorandum of 23 March: an amendment in the covering clauses which altered the meaning of the Constitution *"would be in effect an alteration of the Constitution"*.

MEMORANDUM OF THE DELEGATES.—Preliminary to a further interview with the Secretary of State for the Colonies, the Delegates forwarded to him a Memorandum, dated 23rd March, of their reasons for urging the passage of the Bill in the form in which it had been affirmed by the people. (House of Com. Pap., May, 1900, p. 13). In defending the provisions proposed to be altered, they carefully guarded themselves against even appearing to acquiesce in the suggestion that any amendment was necessary. They called attention to the recital in the preamble that the people of the federating colonies had agreed to unite in a federal Commonwealth "under the Constitution hereby established;" and argued that this recital would not be justified if the Constitution were in any way altered.

In answer to a question whether, if alterations were made, it was preferable that they should be placed in the covering clauses rather than in the Constitution itself, the Delegates replied that though this would, in appearance, be the less objectionable method, yet any amendment in the covering clauses which altered the meaning of the Constitution would be in effect an alteration of the Constitution, and would therefore be equally objectionable.

They then dealt categorically with the specific amendments foreshadowed by the Crown Law Officers. As regards the application of the Colonial Laws Validity Act, they thought that the meaning of the Bill was clear without the proposed amendment,

B2-11, item 10 of 23. Extract 10 (p. 232): the Imperial Government's position: the points of difference *"were few"*.

It stated that they were most anxious for the speedy passage of the Bill in a form which would give the Australian colonies the Federation which they desired; but, at the same time, it was their bounden duty to protect the interests of the United Kingdom and the rest of the Empire.

B2-11, item 11 of 23. Extract 11 (p. 234): evidence of the Western Australian Premier on a further referendum.

If the Bill were to be amended at all by the Imperial Legislature, he did not see why the West Australian amendment should not be introduced. The argument against the amendment was that a further referendum would be necessary; and if there must be a referendum there was an opportunity for this amendment. Questioned by Mr. Chamberlain, he admitted that a referendum would cause some delay, and that he could not ask for the amendment if it alone necessitated a referendum. He also urged that if his amendment were accepted, a further amendment would be necessary to enable Western Australia, within a certain time, to be admitted as an Original State. Cross-examined by Mr. Kingston, he admitted that there was a strong feeling on the goldfields in favour of accepting the Bill without amendment, but maintained that the majority of the producing population were against it. He could not form an opinion whether the Bill if referred to the people would be accepted.

B2-11, item 12 of 23. Extract 12 (p. 236): the Imperial Government felt it *"must press for the amendment of clause 74"*; *"the Delegates' lack of instructions prevented their discussing the form of the proposed amendment."*

For these and other reasons the Imperial Government felt that they must press for the amendment of clause 74, but they wished to effect the amendment in the way most agreeable to Australian sentiment, and so as to avoid if possible the delay and expense of a further referendum. Several suggestions had been made, but the Delegates' lack of instructions prevented their discussing the form of the proposed amendment.

B2-11, item 13 of 23. Extract 13 (p. 236): the Premiers' policy and avoiding a further referendum.

that the Premiers concurred in his policy of amending the Bill, what he immediately desired was that the Delegates should be authorized to consult with the Imperial Government as to the best means of effecting the alterations, especially with a view to avoiding, if possible, a further referendum. The responsibility would rest with the Imperial

B2-11, item 14 of 23. Extract 14 (p. 238): 28 April: the Premiers *"had decided that they had no authority to accept any amendments"*; the Delegates' Second Memorandum.

On 28th April the Colonial Office informed Mr. Reeves that the Premiers at the Melbourne Conference had decided that they had no authority to accept any amendments, and considered that the Bill already provided sufficiently for the admission of New Zealand. Under these circumstances he did not feel justified in further pressing for amendments in regard to a question which appeared to be one to be settled by the Australian colonies without Imperial interference.

THE DELEGATES' SECOND MEMORANDUM.—In some quarters, the Premiers' resolution was viewed as an "invitation" to the Imperial Government to amend the Bill. The Delegates of the federating colonies—except Queensland—made haste to correct this impression.

B2-11, item 15 of 23. Extract 15 (p. 238): the Delegates' Second Memorandum: the amendment *"would at once vitiate the agreement, and render this solemn declaration a violation of the facts."* (underlined)

The substantial issue which they again pressed upon the attention of Her Majesty's Government was that the Bill as prepared was an Australian Constitution in a double sense—Australian not only in origin, but by the deliberate endorsement of Parliaments and peoples. Any amendment, not both absolutely essential and incapable of achievement by any other means and at any other time, was to be deprecated as destroying the character of the measure, and re-opening numerous issues at present happily and conclusively settled. They again drew attention to the phrase in the preamble, reciting that the people of the colonies had agreed to federate "under the Constitution hereby established;" and urged that the proposed amendment would at once vitiate the agreement, and render this solemn declaration a violation of the facts.

B2-11, item 16 of 23. Extract 16 (p. 239): the Delegates feared that without a fresh referendum *"it would be truly asserted that the Bill no longer contained the compact accepted by the people."*

They feared that the amendment of clause 74 would encourage the persistent opponents of the Bill to renew their agitation. A fresh referendum would involve expense, delay, and vexation; and if a referendum were not granted it would be truly asserted that the Bill no longer contained the compact accepted by the people. In either case, the initiation of the Commonwealth would be embittered by the introduction of issues fruitful in strife.

B2-11, item 17 of 23. Extract 17 (p. 240): *"If they accepted the Constitution with such an amendment, it would be because they were made to choose between the bowl of intervention and the dagger of delay."*

The Delegates assured Her Majesty's Government that the proposed amendment, even through a covering clause, could not fail to be distasteful and harassing to the Australian people. "If they accepted the Constitution with such an amendment, it would be because they were made to choose between the bowl of intervention and the dagger of delay."

B2-11, item 18 of 23. Extract 18 (p. 240): the Delegates' plea: the Premiers *"decline to accept alterations, because that course is unauthorized in view of the mandate, and would therefore be improper; and … decline to authorize others to do on their behalf that which they cannot rightly do themselves."*

"The Delegates therefore plead most earnestly with Her Majesty's Government that effect may be given to the representations made by the Australian Premiers in their recent telegram. That despatch makes it clear that the clause as it stands was repeatedly considered and ratified by Convention, Premiers, and people; that the electoral adoption of the Bill is a mandate to Executives and Legislatures to seek its enactment in the form which the people gave it by their representatives, and confirmed by their votes; that the Premiers decline to accept alterations, because that course is unauthorized in view of the mandate, and would therefore be improper; and that they decline to authorize others to do on their behalf that which they cannot rightly do themselves. This request implies no questioning of the trusteeship of Her Majesty's Government, of the wisdom of Parliament, or of its sovereign power; but often it has been the truest wisdom of sovereignty to abstain from the exercise of its power, or so to exercise it as only to win the gratitude of those who are subject to its authority."

This Memorandum was subscribed by the Delegates of four of the federating colonies; but Mr. Dickson, the Queensland Delegate, refused to sign it, on the ground that to continue to press upon the Imperial Government correspondence which might lead to further arguments would invite delay in presenting the Bill to Parliament,

B2-11, item 19 of 23. Extract 19 (p. 244): Sir Henry Campbell-Bannerman's remarks in the House of Commons.

Sir Henry Campbell-Bannerman, leader of the Opposition, expressed regret and disappointment that the Government had not felt themselves obliged to accept the Bill in its entirety. He thought that any proposed amendments should have been formulated and submitted to Australia at an earlier stage, and that Conferences and Memoranda in the Jubilee Year were not enough, in view of the many subsequent opportunities for intervention. The Government, by reserving action, had in effect, though not in intention, flouted Australia. He deprecated the conduct of the Government in going behind the opinions of the accredited representatives of Australia.

B2-11, item 20 of 23. Extract 20 (p. 243): the Secretary of State's explanation of the Imperial Government's principles in dealing with the Bill.

He contrasted the Constitution with that of Canada, and briefly outlined its provisions. The Bill had been prepared by the Australian people; and though he denied altogether that Australia regarded the Imperial Parliament merely as a court for the registration of their decrees—though he was convinced that the Australian people would be neither offended nor insulted at the alteration of a word or even a clause—he did think that they expected a reasonable regard to their opinion whenever it had been conclusively shown, and to those rights of self-government of which they had made so magnificent a use. The principles on which the Imperial Government had dealt with the Bill were these. They had accepted without demur, and they asked the House to accept, every word, every line, every clause, which dealt exclusively with the interests of Australia. But where the Bill touched the interests of the Empire as a whole, or of Her Majesty's subjects or possessions outside Australia, the Imperial Parliament occupied a position of trust which it was not the desire of the Empire —nor, he believed, of Australia—that they should fulfil in a formal or perfunctory manner. In accordance with these principles they had made some amendments; but they had refused—even at the desire of Western Australia and New Zealand—to make amendments where Imperial interests were not affected.

B2-11, item 21 of 23. Extract 21 (p. 245): publication of the Blue Book.

negotiate with a view to securing a compromise. The publication of the Blue Book, containing the correspondence between the Delegates and the Imperial Government, had greatly increased public interest in the question; and the English press, whilst generally approving the resolve of the Government to protect Imperial interests, showed a marked sympathy with the aims of the Delegates. The Delegates had

B2-11, item 22 of 23. Extract 22 (p. 246): Australian criticism of the suggested compromise. (Adverse: see Part 16.)

rights of self-government accorded to Australia. The Bill was then read a second time with cheers, and taken into Committee *pro forma*.

AUSTRALIAN CRITICISMS.—In Australia, however, the suggested compromise was received, first with hesitation, and then with distinct disapproval, both the drafting and the policy of the new clause being condemned. On 24th May, a telegram seems to have been sent by

B2-11, item 23 of 23. Extract 23 (p. 247): the Australian request to reconsider the proposal to pass the Bill without amendment

They urged the reconsideration of the proposal to pass the Bill without amendment. If that was impossible, they said that the original proposal to preserve the prerogative right of appeal intact would be less objectionable than the new proposal.

Annexure B2-12

South Australia: Enabling Act amendment, 1899 (No. 717)

Source	Act to amend *"The Australasian Federation Enabling Act (South Australia), 1895"*, assented 8 March 1899. Link:
Evidence Tendered	The mandate: submit the Federal Constitution to the electors and transmit it to the Imperial Parliament, with no provision for Imperial alteration (paragraph 13.12).
Items	2 images follow

B2-12, item 1 of 2. Act No. 717, page 1.

ANNO SEXAGESIMO PRIMO ET SEXAGESIMO SECUNDO

VICTORIÆ REGINÆ.

A.D. 1898-9.

****

No. 717.

An Act to amend "The Australasian Federation Enabling Act (South Australia), 1895."

[*Assented to, March 8th, 1899.*]

Preamble. WHEREAS, pursuant to "The Australasian Federation Enabling Act (South Australia), 1895," hereinafter referred to as the principal Act, a Federal Constitution for Australasia, hereinafter referred to as the Commonwealth Bill, was framed by the Australasian Federal Convention, and was finally adopted at Melbourne on the sixteenth day of March, one thousand eight hundred and ninety-eight: And whereas the Commonwealth Bill was afterwards submitted to the electors in New South Wales, Victoria, South Australia, and Tasmania, and in all these colonies was accepted by majorities of the electors voting, but in New South Wales the number of votes for the acceptance of the Bill did not reach the required minimum: And whereas it is now proposed that the Commonwealth Bill should be amended in the particulars specified in Parliamentary Paper laid before both Houses of Parliament on the twenty-eighth day of February, one thousand eight hundred and ninety-nine, and as so amended should be submitted to the electors, and if accepted by majorities of the electors voting should afterwards be capable of being transmitted by both Houses of Parliament for Imperial enactment—Be it therefore Enacted by the Governor, with the advice and consent of the Parliament of South Australia, as follows:

Short title. **1.** This Act may be cited as "The Commonwealth Bill Amendment Act, 1899."

717 **2.** The

B2-12, item 2 of 2. Act No. 717, page 2.

Amended Commonwealth Bill may be submitted to electors and transmitted for enactment.

2. The Commonwealth Bill as proposed as aforesaid to be amended shall —

(*a*) Be submitted to the electors for the House of Assembly in South Australia for acceptance or rejection by direct vote, and, if accepted by a majority of the electors voting, may afterwards

(*b*) Be transmitted by both Houses of Parliament for legislative enactment by the Imperial Parliament.

Date of submission.

3. The date for the submission to the electors shall in each district be the date to be fixed for polling at the next general elections for the House of Assembly.

Form of question.

4. The question to be proposed in the ballot paper shall be—

"Are you in favor of the amended Commonwealth Bill?"

Incorporation.

5. This Act shall be incorporated with the principal Act, and, except so far as inconsistent with this Act or inapplicable thereto, the provisions of the principal Act relating to the submission of the Commonwealth Bill to the electors and its transmission for legislative enactment shall apply to the Commonwealth Bill as proposed to be amended.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

S. J. WAY, Lieutenant-Governor.

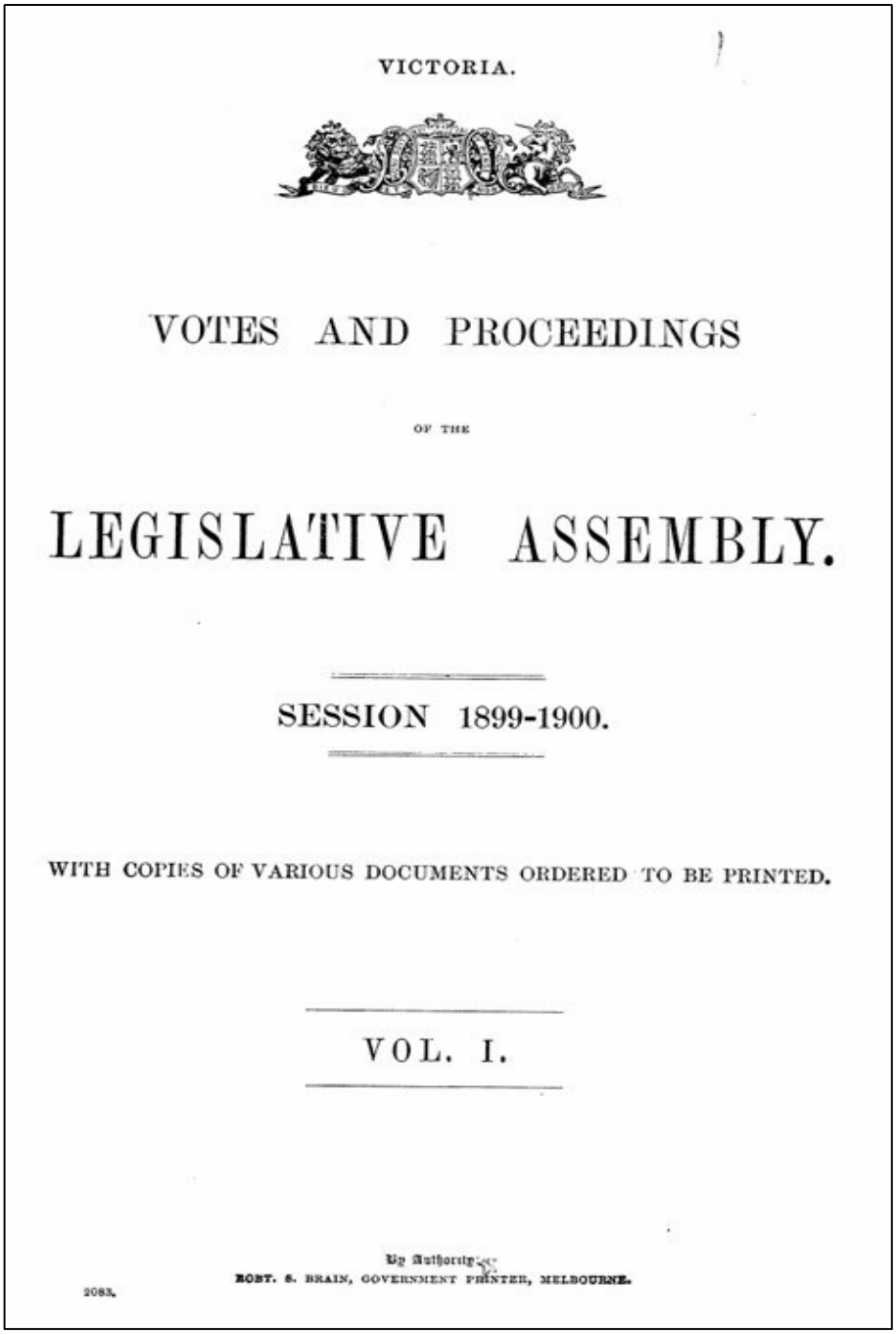
Adelaide: By authority, C. E. Bristow, Government Printer, North Terrace.

Annexure B2-13

Victoria: Enabling Act 1899 and Address to the Queen (parliamentary record)

Source	Votes and Proceedings of the Legislative Assembly, Session 1899–1900. Link:
Evidence Tendered	Victoria sent *"the said Constitution amended as aforesaid"* asking that *"it may be passed into law"*, not that it be amended (paragraph 13.19).
Items	2 images follow

B2-13, item 1 of 2. Votes and Proceedings of the Legislative Assembly, 1899–1900, title page.



VICTORIA.

VOTES AND PROCEEDINGS

OF THE

LEGISLATIVE ASSEMBLY.

SESSION 1899-1900.

WITH COPIES OF VARIOUS DOCUMENTS ORDERED TO BE PRINTED.

VOL. I.

By Authority:
ROBT. S. BRAIN, GOVERNMENT PRINTER, MELBOURNE.

2083.

B2-13, item 2 of 2. Votes and Proceedings: the record of the Address.

6. MESSAGES FROM HIS EXCELLENCY THE GOVERNOR.—The following Messages from His Excellency the Governor were presented by Sir George Turner, and the same were read :—

BRASSEY,
Governor.

Message No. 4.

The Governor informs the Legislative Assembly that he has, on this day, at the Government Offices, given the Royal Assent to the undermentioned Act of the present Session, presented to him by the Clerk of Parliaments, viz.:—

"*An Act to apply out of the Consolidated Revenue the sum of Five hundred and eighty-four thousand nine hundred and ninety-seven pounds to the service of the year One thousand eight hundred and ninety-nine and One thousand nine hundred.*"

Government Offices,
Melbourne, 12th July, 1899.

BRASSEY,
Governor.

Message No. 5.

The Governor informs the Legislative Assembly that he has, on this day, at the Government Offices, given the Royal Assent to the undermentioned Act of the present Session, presented to him by the Clerk of the Parliaments, viz. :—

"*An Act to amend the Railway Lands Acquisition Acts.*"

Government Offices,
Melbourne, 17th July, 1899.

7. PAPERS.—Sir George Turner presented, by command of His Excellency the Governor—

Royal Commission on Technical Education.—Progress Report on Primary Instruction.

Mr. Peacock presented, by command of His Excellency the Governor—

Statistical Register of the Colony of Victoria for the year 1898—
Part II.—Interchange.
Part III.—Finance, &c.
Part IV.—Population (exclusive of Municipal Finances).

Severally ordered to lie on the Table.

The following Papers, pursuant to the directions of several Acts of Parliament, were laid upon the Table by the Clerk of the House :—

Bank Liabilities and Assets.—Summary of Sworn Returns for the quarter ended 30th September, 1898.
Defences and Discipline Act 1890.—Orders in Council—
Victorian Military Forces.—Alteration of Regulations.—Part VII.—Precedence and Distinction of Corps.
Victorian Naval and Military Forces.—Alteration of Financial and Store Regulations.—Part VII.—Stores.
Water Act 1890—
Leaghur and Moering Irrigation and Water Supply Trust—
Rating Regulation.
Regulation for the Sale and Distribution of Water.
Mooroopna Waterworks Trust.—Application for Additional Loan of £300.
Wodonga Waterworks Trust.—Application for Additional Loan for £500.
Yatchaw Irrigation and Water Supply Trust.—Rating Regulation.

8. PRIVILEGES OF PARLIAMENT—FREEDOM OF SPEECH.—Mr. Madden moved, by leave, That in the opinion of this House the appointment of a Royal Commission to inquire into or call in question the truth of statements made by a Member of this House in Parliament is an interference with the privileges of Parliament and is calculated to bring into contempt and imperil the undoubted privilege of freedom of speech in Parliament which belongs to this House and each Member thereof.
Debate ensued.
Mr. Graves moved, That the debate be now adjourned.
Question—That the debate be now adjourned—put and resolved in the affirmative.
Ordered—That the debate be adjourned until to-morrow.
Ordered—That the debate take precedence of all other business.

9. POSTPONEMENT OF ORDERS OF THE DAY.—Ordered—That the consideration of the Orders of the Day, Government Business, and the Order of the Day, General Business, be postponed until to-morrow.

And then the House, at fifty-five minutes past ten o'clock, adjourned until to-morrow.

W. V. ROBINSON,
Clerk of the Legislative Assembly.

W. D. BEAZLEY,
Deputy-Speaker.

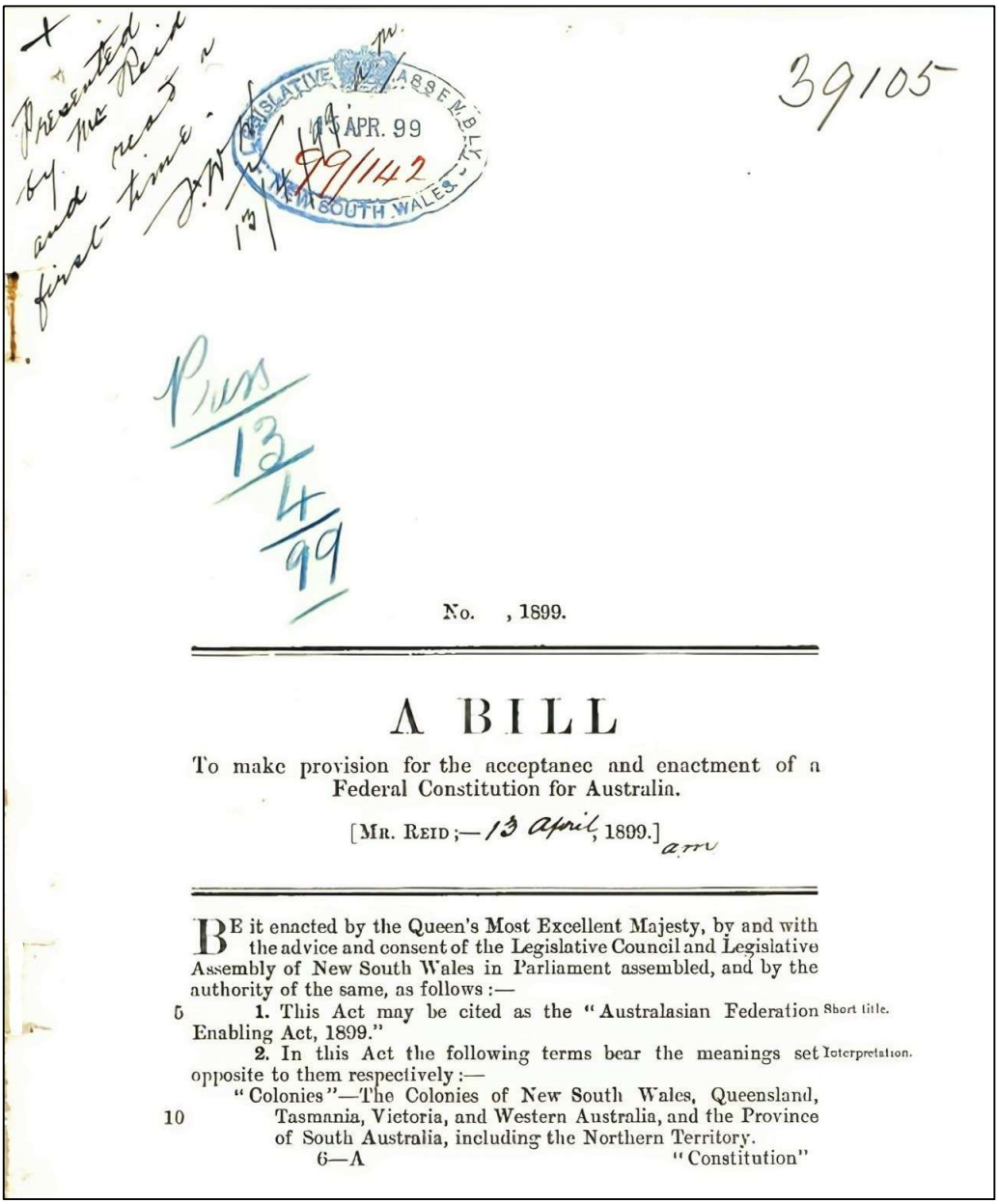
By Authority: ROBT. S. BRAIN, Government Printer, Melbourne.

Annexure B2-14

New South Wales: Australasian Federation Enabling Bill/Act 1899 and Address

Source	Link:https://files.parliament.nsw.gov.au/fileapi/ParlFiles/GetArtifact/PA000609_010.pdf?serverRelativeUrl=/historictabledpapers/files/120365/PA000609_010.pdf
Evidence Tendered	NSW transmitted *"the said Constitution as amended"* for passage with no wording authorising Westminster to substitute its own amendments (paragraph 13.22).
Items	4 images follow

B2-14, item 1 of 4. Bill to make provision for the acceptance and enactment of a Federal Constitution (NSW), 1899, cover.



Presented by Mr Reid and read 1st time

LEGISLATIVE ASSEMBLY 13 APR. 99 NEW SOUTH WALES

99/142

39105

Pass 13/4/99

No. , 1899.

A BILL

To make provision for the acceptance and enactment of a Federal Constitution for Australia.

[Mr. Reid;—13 April, 1899.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the "Australasian Federation Enabling Act, 1899." Short title.

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

"Colonies"—The Colonies of New South Wales, Queensland, Tasmania, Victoria, and Western Australia, and the Province of South Australia, including the Northern Territory.

6—A "Constitution"

B2-14, item 2 of 4. Bill to make provision for the acceptance and enactment of a Federal Constitution (NSW), 1899, cover.

"Constitution"—The draft of a Federal Constitution set out in the Third Schedule hereto.

"Prescribed"—Prescribed by Regulation made under this Act.

But this Section shall not be deemed to extend to the interpretation of anything contained in the Second or Third Schedule hereto.

The Submission to the Electors.

Submission to electors.

3. (1) At a time to be fixed by the Governor by Proclamation the question of the acceptance or rejection of the Constitution shall be referred and submitted to the vote of the electors.

The voting shall be taken throughout New South Wales as one Electoral District.

Voting.

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

Penalty.

(3) No person shall vote more than once on the question, and if any person votes or attempts to vote more than once contrary to this provision he shall be liable to a penalty not exceeding *fifty* pounds, or, at the option of the Court, to imprisonment not exceeding six calendar months.

Writs.

4. For the purpose of submitting the question of the acceptance or rejection of the Constitution to the electors, the Governor may cause writs to be issued in such form and addressed in such manner as he thinks fit.

Persons entitled to vote.

5. (1) Upon the taking of the vote of the electors as aforesaid, every person being the holder of an Elector's Right shall be qualified and entitled to vote at any polling-place.

Voting, how claimed.

(2) Every person claiming to vote—

(*a*) Shall exhibit to the Officer in charge his Elector's Right.

(*b*) Shall state his christian name and surname, and answer such questions as the Returning Officer may require, so as to ascertain the genuineness of the Elector's Right produced, and that the person producing the same is the person named therein.

Questions may be asked by Returning Officer.

(3) When the Returning Officer has seen that the name so given is upon the Elector's Right, he may, unless satisfied of the identity of the person claiming to vote, ask the person so claiming the following questions before delivering a Ballot-paper to him, in addition to the questions permitted in subsection (2)—

(*a*) Was the Elector's Right you now exhibit issued to you?

(*b*)

B2-14, item 3 of 4. Partial extract.

(*b*) Have you already voted at this vote of the electors?

Omission to answer questions as aforesaid.

(1) Any such person who—

(*a*) Shall refuse or omit to answer any such question; or

(*b*) Shall not answer the first question in the affirmative and the second in the negative—

Shall be prohibited from voting then or thereafter at such vote of the electors, and shall be liable to a penalty not exceeding *fifty* pounds or to be imprisoned for a term not exceeding six months.

Majority of votes to decide.

6. Upon the taking of the vote of the electors as aforesaid, the majority of votes shall decide the question, and if the Constitution be thereby rejected no further action shall be taken pursuant to this Act.

The Transmission for Legislative Enactment.

Address to the Queen.

7. If two Colonies, in addition to New South Wales, accept the Constitution, both Houses of Parliament may adopt Addresses to the Queen, praying that the Constitution may be passed into law by the Imperial Parliament upon receipt of similar Addresses from the Parliaments of two such Colonies; and the Addresses so adopted shall be forthwith transmitted to the Queen, with a certified copy of the Constitution.

Supplemental.

Regulations.

8. (1) Subject to the provisions of this Act, the Governor may make regulations prescribing the mode of submitting the question of the acceptance or rejection of the Constitution to the electors, and generally for the purposes of carrying into effect the provisions of this Act.

Publication of regulations.

(2) All such regulations shall be published in the Gazette, and on such publication shall have the force of law; and all such regulations shall be laid before both Houses of Parliament within fourteen days after the making thereof, if Parliament be then sitting, or if Parliament be not then sitting, within fourteen days after the next meeting of Parliament.

Enforcement of regulations.

(3) Any such regulation may provide for the enforcement thereof by a penalty not exceeding *fifty* pounds, or, at the option of the Court, by imprisonment not exceeding six calendar months.

Application of general law.

(1) Subject to the provisions of this Act, and unless and until otherwise prescribed, the laws relating to the conduct of elections for the Legislative Assembly, the proceedings before and at and subsequent to such elections, electoral offences, and all incidental matters,

B2-14, item 4 of 4. Partial extract.

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 the present Parliament assembled, and by the authority of the same, as follows:—

I. This Act may be cited as *The Commonwealth of Australia Constitution Act.* Short title.

II. This Act shall bind the Crown, and its provisions referring to the Queen shall extend to Her Majesty's Heirs and Successors in the Sovereignty of the United Kingdom. Act to bind Crown and extend to the Queen's Successors.

III. 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 [*here name the Colonies which have adopted the Constitution*] 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. Proclamation of Commonwealth.

IV. 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. Commencement of Act.

V. 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. Operation of the Constitution and laws.

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

"Colony" shall mean any colony or province.

"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.

VII.

Annexure B2-15

Tasmania: Australasian Federation Enabling Act 1899

Source	Tasmanian Act, 63 Vict. No. 1, assented 11 July 1899. Link:
Evidence Tendered	Tasmania transmitted *"the accompanying Constitution, amended as aforesaid"* so that *"it may be passed into law"*, with no provision for further amendment (paragraph 13.25).
Items	5 images follow

B2-15, item 1 of 5. Page 1

TASMANIA.

1899.

ANNO SEXAGESIMO-TERTIO

VICTORIÆ REGINÆ,

No. 1.

AN ACT to amend "The *Australasian* Federation Enabling Act (*Tasmania*)." A.D. 1899.

[11 *July*, 1899.]

PREAMBLE. 59 Vict. No. 57.

WHEREAS, pursuant to "The *Australasian* Federation Enabling Act (*Tasmania*)," hereinafter referred to as the Principal Act, a Federal Constitution for *Australasia*, hereinafter referred to as the Constitution, was framed by the *Australasian* Federal Convention, and was finally adopted at *Melbourne* on the Sixteenth day of *March*, One thousand eight hundred and ninety-eight:

And whereas the Constitution was afterwards submitted to the Electors in *New South Wales*, *Victoria*, *South Australia*, and *Tasmania*, and in all these colonies was accepted by majorities of the Electors voting, but in *New South Wales* the number of votes for the acceptance of the Constitution did not when first submitted reach the required minimum:

And whereas on the Twentieth day of *June* in the present year the Constitution, as proposed to be amended in the particulars appearing in the Schedule to this Act, was again submitted to the Electors in *New South Wales*, and accepted by a majority of the Electors voting, no minimum being required:

And whereas it is now proposed that the Constitution should be amended in the particulars appearing in the Schedule to this Act, and as so amended should be submitted to the Electors, and if accepted by majorities of the Electors voting, should afterwards be capable of being transmitted by both Houses of Parliament to the Queen for enactment by the Imperial Parliament of *Great Britain* and *Ireland*:

B2-15, item 2 of 5. Page 2.

A.D. 1899.

Be it therefore enacted by His Excellency the Governor of *Tasmania*, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows :—

Short title.

1 This Act may be cited as "The Australasian Federation Enabling Act, 1899."

Incorporation.

2 This Act shall be incorporated with the Principal Act, and, except so far as inconsistent with this Act or inapplicable thereto, the provisions of the Principal Act relating to the submission of the Constitution to the Electors and its transmission to the Queen for legislative enactment by the Imperial Parliament shall, *mutatis mutandis*, apply to the Constitution as proposed to be amended, in the particulars appearing in the Schedule to this Act, and all Regulations made under the Principal Act shall, except where inconsistent herewith, be continued and be deemed to be in force for the purposes of this Act.

Amended Constitution may be submitted to Electors and transmitted for enactment.

3 The Constitution as proposed to be amended in the particulars appearing in the Schedule to this Act shall—

I. At such time as may be fixed by the Governor by Proclamation be submitted to the Electors for the House of Assembly in *Tasmania* for acceptance or rejection by direct vote; and,

II. If accepted by a majority of the Electors voting, may afterwards be transmitted by both Houses of Parliament to the Queen for legislative enactment by the Imperial Parliament.

Form of question.

4 The question to be proposed in the Ballot-paper shall be—

"Are you in favour of the proposed Federal Constitution Bill as amended?"

B2-15, item 3 of 5. Schedule: amendments agreed at the Premiers' conference, 1899.

SCHEDULE.

AMENDMENTS OF THE CONSTITUTION AGREED TO AT A CONFERENCE OF THE PRIME MINISTERS OF VICTORIA, NEW SOUTH WALES, QUEENSLAND, SOUTH AUSTRALIA, TASMANIA, AND WESTERN AUSTRALIA, WHICH SAT AT MELBOURNE ON THE 28TH, 30TH, AND 31ST JANUARY, AND THE 1ST, 2ND, AND 3RD FEBRUARY, 1899. Section 2.

The words in brackets [ ] *are those proposed to be left out in the Constitution; the words in* **black type** *are proposed to be added to the Constitution.*

PART II.—THE SENATE.

Substitute for Clause Seven the following New Clause:—

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. The Senate.

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.

Substitute for Clause Fifty-seven the following Clause:—

"**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." Disagreement between the Houses.

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 thereon 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** [Three-fifths of the Members present and voting thereon], 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** [Three-fifths of the Members present and voting thereon], 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.

Substitute for Clause Eighty-seven the following Clause:—

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.

Add, to follow Clause Ninety-five, the following New Clause:—

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.

Substitute for Clause One hundred and twenty-two the following New Clause:—

New States may be admitted or established.

"**122** 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 States, 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."

Substitute for Clause One hundred and twenty-four—

Seat of Government.

[**124** The seat of Government of the Commonwealth shall be determined by the Parliament and shall be within territory vested in the Commonwealth.

Until such determination the Parliament shall be summoned to meet at such place within the Commonwealth as a majority of the Governors of the States or, in the event of an equal division of opinion among the Governors, as the Governor-General shall direct.]

the following New Clause:—

124 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 if New South Wales be an Original State shall be in that State 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.

If Victoria be an Original State the Parliament shall sit at Melbourne until it meets at the seat of Government.

ALTERATION OF THE CONSTITUTION.

Substitute for Clause One hundred and twenty-seven the following New Clause:—

Mode of altering the Constitution.

"**127** 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.

B2-15, item 4 of 5. Schedule continued.

B2-15, item 5 of 5. Final page.

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. A.D. 1899.

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

[An] 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 [not] become law unless the majority of the electors voting in that State approve the proposed law.

Annexure B2-16

Addresses to the Queen from the Legislative Councils and Houses of Assembly (SA, NSW, Tasmania, Victoria, Queensland)

Source	Colonial parliamentary papers, Link:
Evidence Tendered	That none of the Addresses made provision for amendment by the Imperial Parliament (paragraph 13.28).
Items	8 images follow

B2-16, item 1 of 8. South Australia, Address No. 1 (8 August 1899).

II.—ADDRESSES FROM COLONIAL LEGISLATURES.

No. 1.

SOUTH AUSTRALIA.

ADDRESS to THE QUEEN from the LEGISLATIVE COUNCIL and HOUSE OF ASSEMBLY.

To the Queen's Most Excellent Majesty.

May it please Your Majesty—

We, Your Majesty's dutiful and loyal subjects, Members of the Legislative Council of South Australia, in Parliament assembled, approach Your Majesty with assurances of our loyalty and sincere attachment to Your Majesty's Throne and Person.

We humbly pray Your Majesty to be pleased to cause a measure to be submitted to the Imperial Parliament for passing into Law the Federal Constitution for Australasia which has been accepted by the Colonies of New South Wales, Victoria, South Australia, and Tasmania.

Legislative Council, South Australia.
R. C. BAKER, President.

August 8, 1899.

House of Assembly, South Australia.
JENKIN COLES, Speaker.
F. HALCOMB, Clerk.

August 3, 1899.

B2-16, item 2 of 8. New South Wales, Address (part 1).

We humbly desire to lay before Your Majesty :—

1. That pursuant to legislation passed by the Parliaments of New South Wales, Victoria, South Australia, Tasmania, and Western Australia, a Convention of Representatives of the Colonies named met and framed a Draft Federal Constitution during the years 1897 and 1898.

2. That in the beginning of the present year the Prime Ministers of the Colonies named, and the Prime Minister of Queensland, in Conference assembled, amended the said Draft Federal Constitution in certain respects.

3. That subsequently Federal Enabling Acts were passed by the Parliaments of New South Wales, Victoria, Queensland, South Australia, and Tasmania, and those Acts provided for the submission of the Federal Constitution, drafted and amended as aforesaid, to the Electors of New South Wales, Victoria, Queensland, South Australia, and Tasmania, for acceptance or rejection.

4. That the Electors of New South Wales, Victoria, South Australia, and Tasmania have accepted the said Constitution as amended. The vote of the people of Queensland will be taken on the 2nd September next.

5. That the Federal Enabling Act of New South Wales, which was passed during the month of April last, provided as follows :—

"If two Colonies, in addition to New South Wales, accept the Constitution, "both Houses of Parliament may adopt Addresses to the Queen, praying that the "Constitution may be passed into law by the Imperial Parliament upon receipt "of similar Addresses from the Parliaments of two such Colonies, and the "Addresses so adopted shall be forthwith transmitted to the Queen, with a "certified copy of the Constitution."

Showing no provisions for alteration

6. In pursuance of those powers, we, Your Majesty's most dutiful and loyal subjects, pray that upon the transmission to Your Majesty of an Address from the Legislative Assembly of New South Wales to the same effect, and of similar Addresses from the Parliaments of two or more of the other Colonies, namely, Victoria, Queensland, South Australia, Tasmania, and Western Australia, Your Majesty may be pleased to cause the accompanying Constitution to be submitted to the Imperial Parliament for the establishment of an Australian Commonwealth composed of those Colonies which unite with New South Wales in a similar prayer to Your Majesty.

All which we, the Members of the Legislative Council of New South Wales, humbly pray Your Majesty to take into Your gracious and favourable consideration.

On behalf and in the name of the Legislative Council,

JOHN LACKEY,
President,

JOHN J. CALVERT,
Clerk of the Parliaments.

17th August, 1899.

On behalf and in the name of the Legislative Assembly,

J. P. ABBOTT,
Speaker,

F. W. WEBB,
Clerk.

9th August, 1899.

B2-16, item 3 of 8. New South Wales, Address (part 1, continued)

No. 3.

NEW SOUTH WALES.

ADDRESS to THE QUEEN from the LEGISLATIVE COUNCIL and LEGISLATIVE ASSEMBLY.

To the Queen's Most Excellent Majesty.

May it please Your Majesty—

We, Your Majesty's loyal subjects, the Members of the Legislative Council of New South Wales, in Parliament assembled, approach Your Majesty with assurances of loyal attachment to your Throne and Person.

B2-16, item 4 of 8. Tasmania, Address

No. 4.

TASMANIA.

ADDRESS to THE QUEEN from the HOUSE OF ASSEMBLY.

To the Queen's Most Excellent Majesty.

May it please Your Majesty—

We, your Majesty's loyal Subjects, the Members of the House of Assembly of Tasmania, in Parliament assembled, approach Your Majesty with assurances of loyal attachment to Your Throne and Person.

We humbly desire to lay before Your Majesty—

1. That, pursuant to legislation passed by the Parliaments of New South Wales, Victoria, South Australia, Tasmania, and Western Australia, a Convention of Representatives of the Colonies named met and framed a Draft Federal Constitution during the years 1897 and 1898.

2. That in the beginning of the present year the Prime Ministers of the Colonies named, and the Prime Minister of Queensland, in Conference assembled, amended the said Draft Federal Constitution in certain respects.

3. That subsequently Federal Enabling Acts were passed by the Parliaments of New South Wales, Victoria, Queensland, South Australia, and Tasmania, and such Acts provided for the submission of the Federal Constitution, drafted and amended as aforesaid, to the Electors of New South Wales, Victoria, Queensland, South Australia, and Tasmania, for acceptance or rejection.

4. That the Electors of New South Wales, Victoria, South Australia, and Tasmania have accepted the said Constitution as amended. The vote of the people of Queensland will be taken on the Second September next.

5. That the Federal Enabling Act of Tasmania, which was passed during the month of January, 1896, provided as follows:—"If two Colonies in addition to Tasmania accept the Constitution, both Houses of Parliament may adopt Addresses to the Queen praying that the Constitution may be passed into law by the Imperial Parliament upon receipt of similar Addresses from the Parliaments of two such Colonies, and the Address so adopted shall be forthwith transmitted to the Queen with a certified copy of the Constitution."

Showing no provisions for alteration

6. In pursuance of these Powers we, Your Majesty's most dutiful and loyal subjects, pray, that upon the transmission to Your Majesty of an Address from the Legislative Council of Tasmania to the same effect, and of similar Addresses from the Parliaments of two or more of the other Colonies, namely, New South Wales, Victoria, Queensland, South Australia, and Western Australia, Your Majesty may be pleased to cause the accompanying Constitution as is submitted to the Imperial Parliament for the establishment of an Australian Commonwealth composed of those Colonies which unite with Tasmania in a similar prayer to Your Majesty.

All which we, the Members of the House of Assembly of Tasmania, humbly pray Your Majesty to take into Your gracious and favourable consideration.

On behalf and in the name of the House of Assembly,

NICHOLAS J. BROWN, Speaker.

Passed the House of Assembly this 8th day of August, 1899.

John Kingston Reid, Clerk of the House.

B2-16, item 5 of 8. Tasmania, address

No. 5.

TASMANIA.

ADDRESS to THE QUEEN from the LEGISLATIVE COUNCIL.

To the Queen's Most Excellent Majesty.

May it please Your Majesty,

We, your Majesty's loyal Subjects, the Members of the Legislative Council of Tasmania, in Parliament assembled, approach Your Majesty with assurances of loyal attachment to Your Throne and Person.

We humbly desire to lay before Your Majesty—

1. That, pursuant to legislation by the Parliaments of New South Wales, Victoria, South Australia, Tasmania, and Western Australia, a Convention of Representatives of the Colonies named met and framed a Draft Federal Constitution during the years 1897 and 1898.

2. That in the beginning of the present year the Prime Ministers of the Colonies named, and the Prime Minister of Queensland, in Conference assembled, agreed to suggest Amendments in the said Draft Federal Constitution in certain respects.

3. That subsequently Federal Enabling Acts were passed by the Parliaments of New South Wales, Victoria, Queensland, South Australia, and Tasmania, and such Acts provided for the submission of the Federal Constitution, amended as aforesaid, to the Electors of New South Wales, Victoria, Queensland, South Australia, and Tasmania, for acceptance or rejection.

4. That the Electors of New South Wales, Victoria, South Australia and Tasmania have accepted the said Constitution as amended. The vote of the people of Queensland will be taken on the Second September next.

5. That, under the provisions of the Australasian Federation Enabling Act (Tasmania), 1895, and of the Australasian Federation Enabling Act, 1899, two Colonies in addition to Tasmania having accepted the Constitution, the Houses of Parliament of Tasmania are empowered to adopt Addresses to the Queen praying that the Constitution may be passed into law by the Imperial Parliament.

Showing no provisions for alteration

6. In pursuance of these Powers we, Your Majesty's most dutiful and loyal subjects, transmit to Your Majesty the said Constitution and the said Constitution amended as aforesaid, and pray that, upon the transmission to Your Majesty of an Address from the House of Assembly of Tasmania to the same effect, and of joint or separate Addresses from the Houses of Parliament of two or more of the other Colonies, namely, New South Wales, Queensland, South Australia, Victoria, and Western Australia, Your Majesty may be pleased to cause the accompanying Constitution, amended as aforesaid, to be submitted to the Imperial Parliament, that it may be passed into law by the Imperial Parliament for the establishment of an Australian Federal Commonwealth composed of those Colonies which unite with Tasmania in a similar prayer to Your Majesty.

All which we, the Members of the Legislative Council of Tasmania, humbly pray Your Majesty to take into Your gracious and favourable consideration.

ADYE DOUGLAS, President of the Council.

Passed the Legislative Council this 23rd day of August, 1899.

E. C. Nowell, Clerk of the Council.

B2-16, item 6 of 8. Victoria, Address No. 2 (part 1).

No. 2.

VICTORIA.

ADDRESS to THE QUEEN from the LEGISLATIVE COUNCIL and LEGISLATIVE ASSEMBLY.

To the Queen's Most Excellent Majesty.

May it please Your Majesty—

We, Your Majesty's loyal subjects, the Members of the Legislative Council and the Members of the Legislative Assembly of Victoria, in Parliament assembled, approach Your Majesty with assurances of loyal attachment to Your Throne and Person. We humbly desire to lay before Your Majesty :—

1. That, pursuant to legislation passed by the Parliaments of New South Wales, Victoria, South Australia, Tasmania, and Western Australia, a Convention of Representatives of the Colonies named met during the years 1897 and 1898, and framed a Draft Federal Constitution in the form of a Bill for enactment by the Imperial Parliament.

2. That in the beginning of the present year the Prime Ministers of the Colonies named and the Prime Minister of Queensland in Conference assembled amended the said Draft Federal Constitution in certain respects.

3. That subsequently Federation Enabling Acts were passed by the Parliaments of New South Wales, Victoria, Queensland, South Australia, and Tasmania, and those Acts provided for the submission of the Federal Constitution, drafted and amended as aforesaid, to the Electors of New South Wales, Victoria, Queensland, South Australia, and Tasmania for acceptance or rejection.

4. That the Electors of New South Wales, Victoria, South Australia, and Tasmania have accepted the said Constitution as amended, and a vote of the people of Queensland will be taken on the 2nd September next.

B2-16, item 7 of 8. Victoria, Address (part 2).

5. That the "Victorian Australasian Federation Enabling Act, 1896," No. 1,443, provides as follows:—

Section 37—

"If two Colonies in addition to Victoria accept the Constitution, the Legislative Council and the Legislative Assembly of Victoria may adopt a joint Address to the Queen praying that the Constitution may be passed into law by the Imperial Parliament upon receipt from the Parliaments of such two Colonies either of similar joint or separate Addresses from each House of such Parliaments."

Section 38—

"When such joint Address has been agreed to, pursuant to the preceding section, the same shall be transmitted to the Queen with a certified copy of the Constitution."

6. That by the "Victorian Australasian Federation Enabling Act, 1899," No. 1,603, which amended Act No. 1,443, called therein the Principal Act, it is provided as follows:—

"This Act shall be incorporated with the Principal Act, and, except so far as inconsistent with this Act or inapplicable thereto, the provisions of the Principal Act relating to the submission of the Constitution to the Electors and its transmission to the Queen for legislative enactment by the Imperial Parliament shall *mutatis mutandis* apply to the Constitution as proposed to be amended in the particulars appearing in the First Schedule to this Act."

"The Constitution as proposed to be amended in the particulars appearing in the First Schedule to this Act and as set forth in the Second Schedule to this Act shall—

(a) be submitted to the Electors for the Legislative Assembly in Victoria for acceptance or rejection by direct vote, and, if accepted by a majority of the Electors voting, may, afterwards,

(b) be transmitted by both Houses of Parliament to the Queen for legislative enactment by the Imperial Parliament."

Showing no provisions for alteration

7. In pursuance of these powers we, Your Majesty's most dutiful and loyal subjects, transmit to Your Majesty the said Constitution and the said Constitution amended as aforesaid, and pray that, upon the transmission to Your Majesty of joint or separate Addresses from the Houses of Parliament of two or more of the other Colonies, namely, New South Wales, Queensland, South Australia, Tasmania, and Western Australia, Your Majesty may be pleased to cause the accompanying Constitution, amended as aforesaid, to be submitted to the Imperial Parliament that it may be passed into law by the Imperial Parliament for the establishment of an Australian Commonwealth composed of those Colonies which unite with Victoria in a similar prayer to Your Majesty.

All of which we, the Members of the Legislative Council and the Members of the Legislative Assembly of Victoria humbly pray Your Majesty to take into Your gracious and favourable consideration.

W. A. ZEAL,
President.

F. C. MASON.
Speaker.

B2-16, item 8 of 8. Queensland, Address

No. 6.

QUEENSLAND.

ADDRESS from the LEGISLATIVE COUNCIL and LEGISLATIVE ASSEMBLY.

To Her Most Gracious Majesty

Victoria, of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith, Empress of India, &c., &c., &c.

We, Your Majesty's most faithful subjects, the Members of the Legislative Council of the Colony of Queensland in Parliament assembled,

Humbly Represent to Your Majesty—

1. That we approach Your Majesty with the assurance of our devoted loyalty to Your Majesty's Throne and Person.

2. That, pursuant to legislation passed by the Parliaments of New South Wales, Victoria, South Australia, Tasmania, and Western Australia, a convention of representatives of the Colonies named met, during the years 1897 and 1898, and framed a draft of a Federal Constitution for Australasia.

3. That in the beginning of the present year the Prime Ministers of the Colonies named, and the Prime Minister of Queensland, in conference assembled, amended the said draft Federal Constitution in certain respects.

4. That subsequently the Parliaments of New South Wales, Victoria, Queensland, South Australia, and Tasmania severally passed a federal Enabling Act, which provided for the submission of the Federal Constitution, so drafted and amended as aforesaid, to the electors of the said Colonies respectively for acceptance or rejection.

5. That the electors of New South Wales, Victoria, Queensland, South Australia, and Tasmania have accepted the said federal Constitution so drafted and amended as aforesaid.

6. That the "Australasian Federation Enabling Act (Queensland), 1899," being the Federal Enabling Act passed as aforesaid by the Parliament of Queensland, contains the following provision:—

> "If two Colonies, of which New South Wales shall be one, in addition to Queensland, accept the Constitution, the Legislative Council and Legislative Assembly may adopt Addresses to the Queen, praying that the Constitution may be submitted for enactment by the Parliament of the United Kingdom of Great Britain and Ireland subject to the adoption of similar Addresses by the Parliaments of such two Colonies.
>
> "When such Addresses have been adopted they shall be transmitted to the Queen with a certified copy of the Constitution."

Showing no provisions for alterations

7. That the Constitution in the next preceding paragraph mentioned is the said Federal Constitution so drafted and amended as aforesaid.

8. That the Parliaments of the said Colonies of New South Wales, Victoria, South Australia, and Tasmania have adopted Addresses to Your Majesty of a similar nature to those mentioned in the provisions set out in the sixth paragraph hereof.

We therefore humbly pray that Your Majesty will be graciously pleased to take the premises into your Royal consideration, and to cause the said Constitution, of which the accompanying is a certified copy, to be submitted for enactment by the Parliament of the United Kingdom of Great Britain and Ireland, and that Your Majesty will be graciously pleased to cause all other necessary steps to be taken for the establishment of an Australian Commonwealth under the Crown of the United Kingdom of Great Britain and Ireland, and under the said Constitution, consisting of Queensland and all those other Australasian Colonies whose Parliaments similarly pray Your Majesty.

And your Petitioners, as in duty bound, will ever pray.

On behalf and in the name of the Legislative Council,

HUGH M. NELSON,
President.

Legislative Council Chamber,
Brisbane, October 10, 1899.

On behalf and in the name of the Legislative Assembly.

ARTHUR MORGAN.
Speaker.

Annexure B2-17

Introductory Note (p5) and covering clause 5 of the 1898 Revised Draft Bill

Source	1898 Revised Draft Bill: https://nla.gov.au/nla.obj-110807462/view?partId=nla.obj-110823347#page/n0/mode/1up
Evidence Tendered	The Introductory Note, paragraphs 1, 3 and 6, on the democratic mandate and on the nine covering clauses (paragraphs 13.1, 13.2 and 13.3), and the text of covering clause 5, *"Operation of the Constitution and laws"* (paragraph 12.1).
Items	2 images follow

B2-17, item 1 of 2. Introductory Note, page 5.

INTRODUCTORY NOTE.

BETWEEN December, 1895, and October, 1896, Enabling Acts were passed by the Parliaments of the five colonies of New South Wales, Victoria, South Australia, Western Australia, and Tasmania, to enable those colonies to take part in the framing, acceptance, and enactment of a Federal Constitution for Australasia.

In accordance with those Acts, each of the colonies elected ten representatives to a Convention charged with the duty of framing a Federal Constitution for Australasia. The Convention sat in Adelaide from the 22nd March to the 5th May, 1897, and framed a draft Constitution, which was then submitted for consideration to each House of Parliament in each of the five colonies. The Convention sat again in Sydney from the 2nd September to the 24th September, 1897, and in Melbourne from the 20th January to 17th March, 1898, and reconsidered the draft Constitution, together with the amendments suggested by the various Legislatures. The Convention finally adopted a Federal Constitution on the 16th March, 1898.

Under the Enabling Acts, the Constitution is now to be submitted to the electors of the five colonies for acceptance or rejection by direct vote. If three or more colonies accept the Constitution, the Houses of Parliament of those Colonies may adopt addresses to the Queen, praying that the Constitution may be passed into law by the Imperial Parliament.

If the Constitution is rejected in any colony, no further action is to be taken in that colony under the Enabling Act.

The majority of votes is to decide the question; but in New South Wales the Constitution is to be taken to be rejected if there are less than 80,000 affirmative votes; in Victoria, if there are less than 50,000 affirmative votes; in Western Australia and in Tasmania, if there are less than 6,000 affirmative votes.

The Constitution is framed in the form of a Bill to be passed by the Imperial Parliament, and in this Bill the Constitution itself is preceded by nine "covering clauses," which provide for all the steps necessary to bring the Constitution into force.

B2-17, item 2 of 2. Covering clause 5: “Operation of the Constitution and laws”.

Operation of the constitution and laws.	**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.