

Two-thirds Majority Repeal.

No. X.

TWO-THIRDS
MAJORITY REPEAL.

An Act to repeal so much of the Constitution Act as requires the concurrence of unusual majorities of Members in the Legislative Council and Legislative Assembly respectively in the passing of Bills to alter the Constitution conferred by the said Act or the number and apportionment of Representatives in the said Legislative Assembly. [*Reserved—20th January, 1857.*]

Preamble.

Constitution Act.

Power to alter
system of
Representationand power to alter
other provisions
thereof

recited.

18 and 19 Vic. cap.
54.

WHEREAS by the Constitution Act passed in the seventeenth year of the reign of Her present Majesty by the late Legislative Council of New South Wales intituled "*An Act to confer a Constitution on New South Wales and to grant a Civil List to Her Majesty*" and assented to by Her Majesty as amended under the authority of the Imperial Parliament in the nineteenth year of Her reign it is in and by the fifteenth section thereof amongst other things enacted that it shall be lawful for the Legislature of the Colony by any Act or Acts thereafter passed to alter the divisions and extent of the several Counties Districts Cities Towns Boroughs and Hamlets which shall be represented in the Legislative Assembly and to establish new and other divisions of the same and to alter the apportionment of Representatives to be chosen by the said Counties Districts Cities Towns Boroughs and Hamlets respectively and to alter the number of representatives to be chosen in and for the several Electoral Districts in the same and to alter and regulate the appointment of Returning Officers Provided always that it shall not be lawful to present to the Governor of the Colony for Her Majesty's Assent any Bill by which the number or apportionment of Representatives in the Legislative Assembly may be altered unless the second and third readings of such Bill in the Legislative Council and the Legislative Assembly respectively shall have been passed with the concurrence of a majority of the Members for the time being of the said Legislative Council and of two-thirds of the Members for the time being of the said Legislative Assembly And whereas it is in and by the thirty-sixth section of the said Act further provided notwithstanding anything thereinbefore contained that the Legislature of the said Colony as constituted by the said Act shall have full power and authority from time to time by any Act or Acts to alter the provisions or laws for the time being in force under the said Act or otherwise concerning the Legislative Council and to provide for the nomination or election of another Legislative Council to consist respectively of such Members to be appointed or elected respectively by such person or persons and in such manner as by such Act or Acts shall be determined Provided always that it shall not be lawful to present to the Governor of the said Colony for Her Majesty's Assent any Bill by which any such alteration in the Constitution of the said Colony may be made unless the second and third readings of such Bill shall have been passed with the concurrence of two-thirds of the Members for the time being of the said Legislative Council and of the said Legislative Assembly respectively And whereas by the Act of the Imperial Parliament passed in the Session of the eighteenth and nineteenth years of Her Majesty's reign chapter fifty-four to enable Her Majesty to assent to the said Constitution Act as amended then being

Official Moneys Deposit.

being a Bill reserved for Her Majesty's Assent it is provided that it shall be lawful for the Legislature of New South Wales to make laws altering or repealing all or any of the provisions of the said reserved Bill in the same manner as any other laws for the good government of the said Colony subject however to the conditions imposed by the said reserved Bill on the alteration of the provisions thereof in certain particulars until and unless the said conditions shall be repealed or altered by the authority of the said Legislature And whereas it is deemed fitting to repeal the hereinbefore recited provisions to the said fifteenth and thirty-sixth sections of the said Constitution Act to the end that it may become competent to the Legislature of the Colony at any time after this Act shall have received the Royal Assent to amend the provisions of the said Constitution Act in the particulars in the said provisions mentioned in the same manner and by the same majorities of Members as any of the other provisions of the said Act or any other law for the good government of the Colony may be amended Be it therefore 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 :—

Power to repeal and alter the provisions of the Colonial Act recited.

1. So much of the said Constitution Act as provides in the fifteenth section thereof that it shall not be lawful to present to the Governor of the Colony for Her Majesty's Assent any Bill by which the number and apportionment of Representatives in the Legislative Assembly may be altered unless the second and third readings of such Bill in the Legislative Council and the Legislative Assembly respectively shall have been passed with the concurrence of a majority of the Members for the time being of the said Legislative Council and of two-thirds of the Members for the time being of the said Legislative Assembly and so much of the same as provides in the same section that the Assent of Her Majesty shall not be given to any such Bill unless an Address shall have been presented by the Legislative Assembly to the Governor stating that such Bill has been so passed shall be and the same is hereby repealed.

So much of the Constitution Act repealed as requires unusual majorities to alter the system of Representation.

2. So much of the said Constitution Act as in the thirty-sixth section thereof provides that it shall not be lawful to present to the Governor of the Colony for Her Majesty's Assent any Bill by which any such alteration as therein mentioned in the Constitution of the said Colony may be made unless the second and third readings of such Bill shall have been passed with the concurrence of two-thirds of the Members for the time being of the said Legislative Council and of the said Legislative Assembly respectively shall be and the same is hereby repealed.

So much of the Constitution Act repealed as requires unusual majorities to alter any of the provisions mentioned in section 36.