



ANNO QUINQUAGESIMO OCTAVO ET QUINQUAGESIMO NONO

VICTORIÆ REGINÆ.

A.D. 1895.

No. 632.

An Act to enable South Australia to take part in the framing, acceptance, and enactment of a Federal Constitution for Australasia.

[*Assented to, December 20th, 1895.*]

WHEREAS it is proposed that legislative provision shall be made by the colonies for the framing, acceptance, and enactment of a Federal Constitution for Australasia: And whereas it is desirable to enable South Australia to take part in the framing, acceptance, and enactment of the said Constitution, and this Act is necessary for the purpose—Be it therefore Enacted by the Governor of the Province of South Australia, by and with the advice and consent of the Legislative Council and House of Assembly, in this present Parliament assembled, as follows: Preamble.

1. This Act may be cited as “The Australasian Federation Enabling Act (South Australia), 1895.” 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, New Zealand, Queensland, Tasmania, Victoria, and Western Australia, and the Province of South Australia, including the Northern Territory:

“Convention”—The Convention provided for by this Act:

“South Australian Representatives”—The representatives of South Australia in the Convention:

“Governor”

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“Governor”—The Governor in Executive Council :

“House of Assembly”—The more numerous branch of the Legislature of a colony :

“Proclamation”—Proclamation by the Governor, published in the *Government Gazette* :

“Prescribed”—Prescribed by regulation made under this Act.

Chief objects.

3. The chief objects of this Act are to provide as follows—

(1) For framing a Federal Constitution for Australasia, by a Convention consisting of ten representatives of each colony directly chosen by the electors of the House of Assembly in each colony :

(2) For submitting the Constitution so framed to the electors for the House of Assembly in each colony for acceptance or rejection by direct vote :

(3) For transmitting the Constitution for legislative enactment by the Imperial Parliament.

Commencement.

4. This Act shall come into operation on a day to be fixed by Proclamation, when two colonies in addition to South Australia have adopted legislation providing for the election of representatives of those colonies at the Convention.

Parts.

5. This Act is divided into four parts, as follows :—

PART I. The Convention :

PART II. The Submission to the Electors :

PART III. The Transmission for Legislative Enactment :

PART IV. Supplemental.

PART I.PART I.THE CONVENTION.

Constitution of Convention.

6. The Convention shall consist of ten representatives of each colony represented.

Members.

7. Every Member and every person eligible for membership of either House of the South Australian Parliament shall be eligible for membership of the Convention as a representative of South Australia.

Vacancies.

8. The seat of a South Australian representative shall be vacated—

(1) By resignation under his hand addressed to the Governor :

(2) By

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PART 1.

- (2) By failure, without leave of absence from the Convention, to attend any five sittings thereof :
- (3) By any circumstance, except resignation or absence, which in the case of a Member of the South Australian House of Assembly would vacate his seat in such House.
- 9.** The first vacancy occurring pursuant to the preceding section shall forthwith be filled by the appointment by the Governor of the candidate who, not being, nor having been a member of the Convention, was highest on the poll. Every subsequent appointment to be made in like manner. Fresh election.
- 10.** Every person qualified and entitled to vote for the election of a Member of the South Australian House of Assembly shall be qualified and entitled to vote for the election of members of the Convention as representatives of South Australia. Electors.
- 11.** The first election of South Australian representatives as members of the Convention shall take place on a day to be fixed by Proclamation, which day, as nearly as may be conveniently practicable, shall be the same as the day of first election of representatives of other colonies. First election.
- 12.** The voting shall be taken throughout South Australia as one electoral district, and every voter shall vote for the full number of representatives required, otherwise the vote shall be rejected as informal. Electoral district.
- 13.** No person shall vote more than once at the same election of South Australian representatives. One vote only.
- 14.** If any question shall arise respecting the election qualification or disqualification of a South Australian representative, the same shall be heard and determined as in the case of a question respecting the election qualification or disqualification of a Member of the South Australian House of Assembly. Disputed election.
- 15.** The result of every election for South Australian representatives shall, in manner prescribed, be reported to and certified by the Chief Secretary, whose certificates shall be conclusive, except in proceedings for contesting the validity of the election. Certificate of results.
- 16.** When the first elections have been held in three or more colonies, a meeting of the Convention shall be convened for a time and place agreed to by the Governors of such colonies, and, in default of agreement, at such time and place as a majority of such Governors shall decide, or, in case of an equal division, as the Governor of the senior of such colonies shall fix. Meeting of Convention.

*The Australasian Federation Enabling Act (South Australia).—1895.***PART I.****Procedure.**

17. The Convention may adopt Standing Orders, and may provide for keeping and publishing records and journals of its proceedings, and for the conduct of its business, in such manner as shall be thought fit; and, until otherwise provided, the proceedings of the Convention shall be regulated by the Standing Orders and practice of the House of Commons so far as applicable.

Convention to frame Constitution.

18. The Convention shall be charged with the duty of framing for Australasia a Federal Constitution under the Crown in the form of a Bill for enactment by the Imperial Parliament.

President.

19. The Convention shall at its first meeting, before proceeding to the dispatch of any other business, elect a member of such Convention to be the President thereof.

Resignation or removal of President.

20. The President may resign his office, or he may be removed from office by a vote of the Convention; and, upon his ceasing to be a member of the Convention, his office shall become vacant.

Absence of President.

21. In the case of the absence of the President, the Convention may choose some other member to perform his duties during his absence.

Supply of vacancy.

22. Whenever a vacancy shall occur in the office of President, such vacancy shall forthwith be filled by a fresh election.

Quorum.

23. The presence, exclusive of the President, of at least one half of the total number of the members of the Convention shall be necessary to constitute a meeting of the Convention for the exercise of its powers.

Committees.

24. The Convention may appoint committees of its members, which shall report to the Convention.

Voting.

25. Questions arising in the Convention shall be decided by a majority of the votes of the members present, other than the President; and when on any division the votes are equal, but not otherwise, the President shall have a vote, and his vote shall decide the question.

Adjournment of Convention.

26. When the Constitution shall have been framed and approved by the Convention, copies thereof shall be supplied to the members of the Convention, and the President shall declare the sitting of the Convention adjourned to a time and place to be fixed by the Convention, not being less than sixty nor more than one hundred and twenty days thereafter. And, as soon as convenient, the draft Constitution shall be submitted for consideration to each House of Parliament sitting in Committee of the whole; and such amendments as may be desired by the Legislature, together with the draft Constitution, shall be remitted to the Convention through the Senior Representative.

27. On

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27. On the re-assembling of the Convention, the Constitution as framed and approved prior to the adjournment shall be reconsidered, together with such suggested amendments as shall have been forwarded by the various Legislatures, and the Constitution so framed shall be finally adopted with any amendments that may be agreed to.

PART I.

Reassembling of
Convention.

28. So soon as the Convention shall have finally adopted a Federal Constitution as required by the preceding section, and shall have disposed of all incidental business, copies certified by the President shall be supplied in duplicate to the members of the Convention, and the President shall declare the proceedings of the Convention closed.

Final adoption.

29. Each South Australian representative shall cease to hold office at the expiration of a period to be fixed by Proclamation.

Expiration of term of
office.

30. Each South Australian representative shall be entitled during his term of office to payment for his services at the rate of Two Guineas per day, to be paid by the Treasurer out of the general revenue of the colony.

Payment of repre-
sentatives.

31. South Australia shall contribute to the payment of the expenses of the meeting and proceedings of the Convention in the proportion which the population of South Australia bears to the total population of the colonies represented at the Convention, and the Treasurer shall make such payment accordingly out of the general revenue.

Payment of expenses
of Convention.

PART II.

PART II.

THE SUBMISSION TO THE ELECTORS.

32. Within fourteen days after the close of the proceedings of the Convention, certified copies of the Constitution shall be forwarded by the President of the Convention, and by the South Australian representatives to the Governor.

Constitution to be
certified to Governor.

33. So soon as practicable after the close of the proceedings of the Convention, the question of the acceptance or rejection of the Constitution shall be referred and submitted to the vote of all persons in South Australia qualified and entitled to vote for the election of members of the South Australian House of Assembly. The voting shall be taken throughout South Australia as one electoral district.

Submission to
electors.

34. Each voter shall vote by ballot "Yes" or "No" on the question, in accordance with the direction on the ballot paper in the schedule hereto, and all votes shall be taken on the same day.

Voting.

35. No person shall vote more than once on the question.

One vote only.

36. The

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Decision of question.

36. The majority of votes shall decide the question, and if the Constitution shall be thereby rejected, no further action shall be taken by South Australia in reference thereto pursuant to this Act.

PART III.

Addresses to the Queen.

PART III.

TRANSMISSION FOR LEGISLATIVE ENACTMENT.

37. If two colonies, in addition to South Australia, accept the Constitution, both Houses of Parliament may adopt addresses to the Queen praying that the same may be passed into law by the Imperial Parliament.

Transmission.

38. When addresses have been agreed to pursuant to the preceding section, the same shall be transmitted to the Queen with a certified copy of the Constitution.

PART IV.

PART IV.

SUPPLEMENTAL.

Penalties.

39. If any person shall vote, or attempt to vote, more than once contrary to section 35 he shall be liable on summary conviction to a penalty not exceeding Fifty Pounds, or, at the option of the Court, to imprisonment not exceeding six calendar months.

Writs.

40. For the purpose of holding elections of South Australian representatives, and of submitting the Constitution to the electors, the Governor may cause writs to be issued by such persons in such form and addressed to such Returning Officers as he thinks fit.

Application of general law.

41. Unless and until otherwise prescribed, the laws relating to the conduct of elections for the House of Assembly, the proceedings before and at and subsequent to such elections, the trial of disputed elections, electoral offences, and all incidental matters, shall apply, *mutatis mutandis*, to the election of South Australian representatives, and to the proceedings for submitting the Constitution to the electors.

Regulations.

42. The Governor may make regulations prescribing the mode of nominating candidates, of holding elections of South Australian representatives, and submitting the Constitution to the electors, and generally for the purposes of carrying this Act into effect.

Publication of regulations.

43. All such regulations shall be published in the *Government 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.

44. Any

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44. Any such regulation may provide for the summary enforcement thereof by a penalty not exceeding Fifty Pounds, or, at the option of the Court, by imprisonment not exceeding six calendar months.

PART IV.
Enforcement of regulations.

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

T. FOWELL BUXTON, Governor.

THE SCHEDULE.

AUSTRALASIAN FEDERAL CONSTITUTION.

BALLOT PAPER.

Are you in favor of the proposed Federal Constitution Bill ?

“ YES.”

“ NO.”

If you are in favor of the Bill, make your cross in the square opposite the word “ YES.”

If you are against the Bill, make your cross in the square opposite the word “ NO.”