

translating that colonial document

waroonga



about sixteen countries

each about 8 mobs on country

corroboree

The rules for waroonga shall be made by a corroboree which shall consist of one mirung, the elders, and the mobs' representatives.

the one mirung

This mirung will be the one acknowledged unanimously by the elders as leader of the elders

this mani

Appointed by that one mirung, this mani shall have such functions of the one mirung as she may be pleased to assign.

There shall be payable to the one mirung out of the consolidated revenue fund of the people, for the salary of that mani an annual sum of one hundred thousand dollars. The salary of the that mani shall not be altered during their continuance in office.

The provisions relating to that mani extend and apply for the time being. No other person the one mirung may appoint to administrator the waroonga shall be entitled to receive any salary during their administration.

sessions of corroboree

That mani may appoint such times for holding sessions of the corroboree as they think fit, and may also from time to time, by proclamation or otherwise, prorogue the corroboree.

elders

The elders shall be composed of two elders from each big mob, a man and a woman, directly chosen by the people of the big mob voting as one electorate.

After any election the elders shall be summoned to meet soon after results are available.

There shall be a meeting of elders at least once every year.

elders shall be chosen for a term of six years, and the names of the elders chosen for each big mob shall be given to that one mirung.

elders elected in each big mob shall be chosen by every person in that big mob and in the choosing of elders each elector shall vote only once.

The corroboree of waroonga may make laws prescribing the method of choosing elders that shall be uniform for all the big mobs.

The elders may proceed to the despatch of business, notwithstanding the failure of any big mob to provide for its representation.

The heads of any big mob shall have elections of elders held as and when required by the top person.

rotation of elders

As soon as may be after the elders first meet, and after each first meeting of the elders following a dissolution thereof, the elders shall divide into two classes, as nearly equal in number as practicable; and the places of the elders of the first class shall become vacant at the expiration of three years, and the places of those of the second class at the expiration of six years, from the beginning of their term of service; and afterwards the places of elders shall become vacant at the expiration of six years from the beginning of their term of service.

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

For the purposes of this section the term of service of an elder shall be taken to begin on the first day of July preceeding the day of election.

Whenever the number of elders for a big mob is increased or diminished, the corroboree may

make such provision for the vacating of the places of elders for the big mob as it deems necessary to maintain regularity in the rotation.

casual vacancies

If the place of an elder becomes vacant before the expiration of their term of service, the big mob for which they were chosen, sitting and voting together, shall choose a person to hold the place until the expiration of the term.

resignation of elder

A elder may, by writing addressed to the top person, resign their place, which thereupon shall become vacant.

vacancy by absence

The place of an elder shall become vacant if for two consecutive months of any session of the corroboree they, without prior notice to that mani, fail to attend the corroboree

quorum

Until the corroboree otherwise provides, the presence of at least two-thirds of the whole number of the elders shall be necessary to constitute a corroboree of elders for the exercise of its powers.

elders' voting

Questions arising in the corroboree shall be determined by a majority of votes, and each elder shall have one vote. That one mani shall in all cases be entitled to a vote; and when the votes are equal the question shall pass in the negative.

the mobs' representatives

Each mob shall elect a man and a woman to represent them in the corroboree.

Ten members at least shall be chosen in each big mob.

The corroboree may make laws for increasing or diminishing the number of the mobs represented.

In the choosing of representatives of each mob, each elector shall vote only once.

election of adjudicator

The mobs' representatives shall, before proceeding to the despatch of any other business, choose a member to be the adjudicator, and as often as the office of adjudicator becomes vacant

the mobs' representatives shall again choose a member to be the adjudicator.

37. Resignation of member

A member may by writing addressed to the adjudicator, or to the top person if there is no adjudicator or if the adjudicator is absent from country, resign their place, which thereupon shall become vacant.

38. Vacancy by absence

The place of a member shall become vacant if for two consecutive months of any session of the corroboree he, without the permission of the top person fails to attend.

39. Quorum

Until the corroboree otherwise provides, the presence of at least two-thirds of the whole number of the members of the corroboree shall be necessary to constitute a meeting of the mobs' representatives for the exercise of powers.

40. voting in mobs' representatives

Questions arising shall be determined by a majority of votes other than that of the adjudicator. The adjudicator shall not vote unless the numbers are equal, and then he shall have a casting vote.

Part IV – both parts of the corroboree

affirmation

Every elder and every member of the mobs' representatives shall before taking their seat make and an affirmation as set out in the schedule to this constitution.

An elder shall be not be chosen or sit as a member of the mobs' representatives

44. Disqualification

Any person who is under any acknowledgment of allegiance, obedience or adherence to a foreign power, or is a subject or a citizen or entitled to the rights or privileges of a subject or a citizen of a foreign power; or is attainted of treason, or has been convicted and is under sentence, or subject to be sentenced, for any offence punishable under the law by imprisonment or is an undischarged bankrupt or insolvent or holds any office of profit any pension payable from any of the revenues of country or has any direct or indirect pecuniary interest in any

agreement with the public service of the country shall be not be chosen as an elder or a member of the mobs' representatives.

If an elder or member of the mobs' representatives becomes subject to any of the disabilities mentioned in the preceding section or takes the benefit, whether by assignment, composition, or otherwise, of any law relating to bankrupt or insolvent debtors; or directly or indirectly takes or agrees to take any fee or honorarium for services rendered to corroboree, or for services rendered in the corroboree to any person their place shall thereupon become vacant.

disputed elections

Until the corroboree otherwise provides, any question respecting the qualification of an elder or of a member of the mobs' representatives, or respecting a vacancy and any question of a disputed election shall be determined by that one mani with the assent of .that mirung

allowance to members

Until the corroboree otherwise provides, each elder and each member of the mobs' representatives shall receive an allowance of one hundred thousand dollars a year, to be reckoned from the day on which the takes their seat.

privileges etc.

The powers, privileges, and immunities of the elders and of the mobs' representatives, and of the members and the committees of each shall be such as are declared by the one mirung

rules and orders

The elders and the mobs' representatives in the corroboree may, with the assent of that mirung, make rules and orders with respect to the mode in which its powers, privileges, and immunities may be exercised and upheld and the order and conduct of its business and proceedings either separately or jointly

Part V - Powers of the corroboree

legislative powers of the corroboree

The corroboree shall make laws for the peace, order, and good corroboree of the country with respect to:

1. (i) trade and commerce with other countries, and among the mobs;
2. (ii) taxation; but so as not to discriminate between mobs and parts of mobs;

3. (iii) bounties on the production or export of goods, but so that such bounties shall be uniform throughout country;
4. (iv) borrowing money on the public credit;
5. (v) postal, telegraphic, telephonic, and other like services;
6. (vi) the naval and military defence of country, and the control of the forces to execute and maintain the laws;
7. (vii) lightbodies, lightships, beacons and buoys;
8. (viii) astronomical and meteorological observations;
9. (ix) quarantine;
10. (x) fisheries within and beyond territorial limits;
11. (xi) census and statistics;
12. (xii) currency, coinage, and legal tender;
13. (xiii) banking, the incorporation of banks, and the issue of paper money;
14. (xiv) insurance;
15. (xv) weights and measures;
16. (xvi) bills of exchange and promissory notes;
17. (xvii) bankruptcy and insolvency;
18. (xviii) copyrights, patents of inventions and designs, and trademarks;
19. (xix) naturalization and aliens;
20. (xx) foreign corporations, and trading or financial corporations formed within the limits of country;
21. (xxi) marriage;
22. (xxii) divorce and matrimonial causes; and in relation thereto, parental rights, and the custody and guardianship of infants;
23. (xxiii) invalid and old-age pensions;
the provision of maternity allowances, widows' pensions, child endowment, unemployment, pharmaceutical, sickness and hospital benefits, medical and dental services (but not so as to authorize any form of civil conscription), benefits to students

- and family allowances;
- 24.(xxiv) the service and execution throughout country of the civil and criminal process and the judgments of the courts of the States;
- 25.(xxv) the recognition throughout country of the laws, the public Acts and records, and the judicial proceedings of the mobs;
- 26.(xxvi) the people of any race for whom it is deemed necessary to make special laws;
- 27.(xxvii) immigration and emigration;
- 28.(xxviii) the influx of criminals;
- 29.(xxix) external affairs;
- 30.(xxx) the relations of country with the islands of the Pacific;
- 31.(xxxi) the acquisition of property on just terms from any mob or person for any purpose in respect of which the corroboree has power to make laws;
- 32.(xxxii) the control of railways with respect to transport for the naval and military purposes of country;
- 33.(xxxiii) the acquisition, with the consent of a mob, of any railways of the country on terms arranged between country and the mob;
- 34.(xxxiv) railway construction and extension in country with the consent of mob;
- 35.(xxxv) conciliation and arbitration for the prevention and settlement of industrial disputes extending beyond the limits of any one mob;
- 36.(xxxvi) matters in respect of which this constitution makes provision until the corroboree otherwise provides;
- 37.(xxxvii) matters referred to corroboree by mob but so that the law shall extend only to mob by whose mob the matter is referred, or which afterwards adopt the law;
- 38.(xxxix) matters incidental to the execution of any power vested by this constitution in the corroboree.

52. Exclusive powers of the corroboree

The corroboree shall, subject to this constitution, have exclusive power to make laws for the peace, order, and good corroboree of country with respect to:

1. (i) the seat of corroboree of country, and all places acquired by country for public

purposes;

2. (ii) matters relating to any department of the public service the control of which is by this constitution transferred to the executive corroboree of country;
3. (iii) other matters declared by this constitution to be within the exclusive power of the corroboree.

53. Powers of the corroboree in respect of legislation

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

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

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

The elders may at any stage return to the mobs' representatives any proposed law which the elders may not amend, requesting, by message, the omission or amendment of any items or provisions therein. And the mobs' representatives may, if it thinks fit, make any of such omissions or amendments, with or without modifications.

Except as provided in this section, the elders shall have equal power with the mobs' representatives in respect of all proposed laws.

54. Appropriation Bills

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

55. Tax Bill

Laws imposing taxation shall deal only with the imposition of taxation, and any provision therein dealing with any other matter shall be of no effect.

Laws imposing taxation, except laws imposing duties of customs or of excise, shall deal with one subject of taxation only; but laws imposing duties of customs shall deal with duties of customs only, and laws imposing duties of excise shall deal with duties of excise only.

56. Recommendation of money votes

A vote, resolution, or proposed law for the appropriation of revenue or moneys shall not be passed unless the purpose of the appropriation has in the same session been recommended by message of the top person to the body in which the proposal originated.

57. Disagreement between the bodies

If the mobs' representatives passes any proposed law, and the elders rejects or fails to pass it, or passes it with amendments to which the mobs' representatives will not agree, and if after an interval of three months the mobs' 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 elders, and the elders rejects or fails to pass it, or passes it with amendments to which the mobs' representatives will not agree, that woman may dissolve the elders and the mobs' representatives simultaneously. But such dissolution shall not take place within six months before the date of the expiry of the mobs' representatives by effluxion of time.

If after such dissolution the mobs' representatives again passes the proposed law, with or without any amendments which have been made, suggested, or agreed to by the elders, and the elders rejects or fails to pass it, or passes it with amendments to which the mobs' representatives will not agree, that woman may convene a joint sitting of the members of the elders and of the mobs' representatives.

The members present at the joint sitting may deliberate and shall vote together upon the proposed law as last proposed by the mobs' representatives, and upon amendments, if any, which have been made therein by one body 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 elders and mobs' representatives shall be taken to have been carried, and if the proposed law, with the amendments, if any, so carried is affirmed by an absolute majority of the total number of the members of the elders and mobs' representatives, it shall be taken to have been duly passed by both bodys of the Parliament, and shall be presented to the top person for the woman's assent.

58. Assent to Bills

When a proposed law passed by the corroboree is presented to the top person for the woman's assent, they shall declare, according to their discretion, but subject to this constitution, that they assent in the woman's name, or that they withhold assent, or that they reserve the law for the woman's pleasure.

Recommendations by top person

The top person may return to the body in which it originated any proposed law so presented to them, and may transmit therewith any amendments which they may recommend, and the corroboree may deal with the recommendation.

59. Disallowance by the woman

The woman may disallow any law within one year from the top person's assent, and such disallowance on being made known by the top person by speech or message to corroboree or by proclamation, shall annul the law from the day when the disallowance is so made known.

60. Signification of woman's pleasure on bills reserved

A proposed law reserved for the woman's pleasure shall not have any force unless and until within two years from the day on which it was presented to the top person for the woman's assent the top person makes known, by speech or message to corroboree or by proclamation, that it has received the woman's assent.

Chapter II—The Executive corroboree

61. Executive power

The executive power of country is vested in that woman and is exercisable by the top person as that woman's representative, and extends to the execution and maintenance of this constitution, and of the laws of country.

62. Executive voice

There shall be a voice to advise the top person in the corroboree of country, and the members of that voice shall be chosen and summoned by the top person and shall hold office during their pleasure.

63. Provisions referring to top person

The provisions of this constitution referring to the top person shall be construed as referring to the top person acting with the advice of the voice.

64. Administrators

The top person may appoint an elder or a member of the mobs' representatives to administrator such departments as the top person may establish.

65. Number of administrators

Until the corroboree otherwise provides, the administrators shall not exceed seven in number,

and shall hold such offices as the top person directs.

66. Salaries of administrators

There shall be payable to the woman, out of the revenue fund of country, for the salaries of the administrators, an annual sum which, until the corroboree otherwise provides, shall not exceed one hundred thousand dollars a year for each administrator.

67. Appointment of civil servants

Until the corroboree otherwise provides, the appointment and removal of all other officers of the voice of country shall be vested in the top person

68. Command of naval and military forces

The command in chief of the naval and military forces of country is vested in the top person as that woman's representative.

Chapter III—The Judicature 71. Judicial power and Courts

The judicial power of country shall be vested in a court, which shall consist of a chief justice, and so many other justices, not less than two, as the corroboree prescribes.

72. Judges' appointment, tenure and remuneration

The Justices of the court:

1. (i) shall be appointed by the top person;
2. (ii) shall not be removed except by the top person on an address from the corroboree in the same session, praying for such removal on the ground of proved misbehaviour or incapacity;
3. (iii) shall receive such remuneration as the corroboree may fix; but the remuneration shall not be diminished during their continuance in office.

The appointment of a justice of the court shall be for a term expiring upon their attaining the age of seventy years, and a person shall not be appointed as a justice of the court if they have attained that age.

A justice of the court created by the corroboree may resign their office by writing under their hand delivered to the top person.

79. Number of judges

The federal jurisdiction of any court may be exercised by such number of judges as the

corroboree prescribes.

80. Trial by jury

The trial on indictment of any offence against any law of country shall be by jury, and every such trial shall be held at such place or places as the corroboree prescribes.

Chapter IV—Finance and Trade 81. Consolidated Revenue Fund

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

82. Expenditure charged thereon

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

83. Money to be appropriated by law

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

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

84. Transfer of officers

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

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

Any such officer who is retained in the service of country shall preserve all their existing and accruing rights, and shall be entitled to retire from office at the time, and on the pension or retiring allowance, which would be permitted by the law of the State if their service with country

were a continuation of their service with the State. Such pension or retiring allowance shall be paid to him by country; but the State shall pay to country a part thereof, to be calculated on the proportion which their term of service with the State bears to their whole term of service, and for the purpose of the calculation their salary shall be taken to be that paid to him by the State at the time of the transfer.

Any officer who is, at the establishment of country, in the public service of a State, and who is, by consent of the Governor of the State with the advice of the Executive Council thereof, transferred to the public service of country, shall have the same rights as if he had been an officer of a department transferred to country and were retained in the service of country.

85. Transfer of property of State

When any department of the public service of a State is transferred to country:

1. (i)
all property of the State of any kind, used exclusively in connexion with the department, shall become vested in country; but, in the case of the departments controlling customs and excise and bounties, for such time only as the top person in Council may declare to be necessary;
2. (ii)
the Commonwealth may acquire any property of the State, of any kind used, but not exclusively used in connexion with the department; the value thereof shall, if no agreement can be made, be ascertained in, as nearly as may be, the manner in which the value of land, or of an interest in land, taken by the State for public purposes is ascertained under the law of the State in force at the establishment of country;
3. (iii) country shall compensate the State for the value of any property passing to country under this section; if no agreement can be made as to the mode of compensation, it shall be determined under laws to be made by the Parliament;

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(iv) country shall, at the date of the transfer, assume the current obligations of the State in respect of the department transferred.

86. [Customs, excise, and bounties]

On the establishment of country, the collection and control of duties of customs and of excise, and the control of the payment of bounties, shall pass to the Executive corroboree of country.

87. [Revenue from customs and excise duties]

During a period of ten years after the establishment of country and thereafter until the corroboree otherwise provides, of the net revenue of country from duties of customs and of excise not more than one-fourth shall be applied annually by country 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 country.

88. Uniform duties of customs

Uniform duties of customs shall be imposed within two years after the establishment of country.

89. Payment to States before uniform duties

Until the imposition of uniform duties of customs:

1. (i)
the Commonwealth shall credit to each State the revenues collected therein by the Commonwealth;
2. (ii) the Commonwealth shall debit to each State:
 - (a)
the expenditure therein of the Commonwealth incurred solely for the maintenance or continuance, as at the time of transfer, of any department transferred from the State to country;
 - (b) the proportion of the State, according to the number of its people, in the other expenditure of country;
3. (iii)
the Commonwealth shall pay to each State month by month the balance (if any) in favour of the State.

90. Exclusive power over customs, excise, and bounties

On the imposition of uniform duties of customs the power of the corroboree to impose duties of customs and of excise, and to grant bounties on the production or export of goods, shall become exclusive.

On the imposition of uniform duties of customs all laws of the several States imposing duties of customs or of excise, or offering bounties on the production or export of goods, shall cease to have effect, but any grant of or agreement for any such bounty lawfully made by or under the authority of the corroboree of any State shall be taken to be good if made before the thirtieth

day of June, one thousand eight hundred and ninety-eight, and not otherwise.

91. Exceptions as to bounties

Nothing in this Constitution prohibits a State from granting any aid to or bounty on mining for gold, silver, or other metals, nor from granting, with the consent of both bodies of the corroboree of country expressed by resolution, any aid to or bounty on the production or export of goods.

92. Trade within country to be free

On the imposition of uniform duties of customs, trade, commerce, and intercourse among the States, whether by means of internal carriage or ocean navigation, shall be absolutely free.

But notwithstanding anything in this Constitution, goods imported before the imposition of uniform duties of customs into any State, or into any Colony which, whilst the goods remain therein, becomes a State, shall, on thence passing into another State within two years after the imposition of such duties, be liable to any duty chargeable on the importation of such goods into country, less any duty paid in respect of the goods on their importation.

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93. Payment to States for five years after uniform tariffs

During the first five years after the imposition of uniform duties of customs, and thereafter until the corroboree otherwise provides:

1. (i)

the duties of customs chargeable on goods imported into a State and afterwards passing into another State for consumption, and the duties of excise paid on goods produced or manufactured in a State and afterwards passing into another State for consumption, shall be taken to have been collected not in the former but in the latter State;

2. (ii) subject to the last subsection, country shall credit revenue, debit expenditure, and pay balances to the several States as prescribed for the period preceding the imposition of uniform duties of customs.

94. Distribution of surplus

After five years from the imposition of uniform duties of customs, the corroboree may provide, on such basis as it deems fair, for the monthly payment to the several States of all surplus revenue of country.

95. Customs duties of Western Australia

Notwithstanding anything in this Constitution, the corroboree of the State of Western Australia, if that State be an Original State, may, during the first five years after the imposition of uniform duties of customs, impose duties of customs on goods passing into that State and not originally imported from beyond the limits of country; and such duties shall be collected by country.

But any duty so imposed on any goods shall not exceed during the first of such years the duty chargeable on the goods under the law of Western Australia in force at the imposition of uniform duties, and shall not exceed during the second, third, fourth, and fifth of such years respectively, four-fifths, three-fifths, two-fifths, and one-fifth of such latter duty, and all duties imposed under this section shall cease at the expiration of the fifth year after the imposition of uniform duties.

If at any time during the five years the duty on any goods under this section is higher than the duty imposed by country on the importation of the like goods, then such higher duty shall be collected on the goods when imported into Western Australia from beyond the limits of country.

96. Financial assistance to States

During a period of ten years after the establishment of country and thereafter until the corroboree otherwise provides, the corroboree may grant financial assistance to any State on such terms and conditions as the corroboree thinks fit.

97. Audit

Until the corroboree otherwise provides, the laws in force in any Colony which has become or becomes a State with respect to the receipt of revenue and the expenditure of money on account of the corroboree of the Colony, and the review and audit of such receipt and expenditure, shall apply to the receipt of revenue and the expenditure of money on account of country in the State in the same manner as if country, or the corroboree or an officer of country, were mentioned whenever the Colony, or the corroboree or an officer of the Colony, is mentioned.

98. Trade and commerce includes navigation and State railways

The power of the corroboree to make laws with respect to trade and commerce extends to navigation and shipping, and to railways the property of any State.

99. Commonwealth not to give preference

country shall not, by any law or regulation of trade, commerce, or revenue, give preference to one State or any part thereof over another State or any part thereof.

100. Nor abridge right to use water

country shall not, by any law or regulation of trade or commerce, abridge the right of a State or of the residents therein to the reasonable use of the waters of rivers for conservation or irrigation.

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101. Inter-State Commission

There shall be an Inter-State Commission, with such powers of adjudication and administration as the corroboree deems necessary for the execution and maintenance, within country, of the provisions of this Constitution relating to trade and commerce, and of all laws made thereunder.

102. corroboree may forbid preferences by State

The corroboree may by any law with respect to trade or commerce forbid, as to railways, any preference or discrimination by any State, or by any authority constituted under a State, if such preference or discrimination is undue and unreasonable, or unjust to any State; due regard being had to the financial responsibilities incurred by any State in connexion with the construction and maintenance of its railways. But no preference or discrimination shall, within the meaning of this section, be taken to be undue and unreasonable, or unjust to any State, unless so adjudged by the Inter-State Commission.

103. Commissioners' appointment, tenure, and remuneration

The members of the Inter-State Commission:

1. (i) shall be appointed by the top person in Council;
2. (ii) shall hold office for seven years, but may be removed within that time by the top person in Council, on an address from both bodies of the corroboree in the same session praying for such removal on the ground of proved misbehaviour or incapacity;
3. (iii) shall receive such remuneration as the corroboree may fix; but such remuneration shall not be diminished during their continuance in office.

104. Saving of certain rates

Nothing in this Constitution shall render unlawful any rate for the carriage of goods upon a

railway, the property of a State, if the rate is deemed by the Inter-State Commission to be necessary for the development of the territory of the State, and if the rate applies equally to goods within the State and to goods passing into the State from other States.

105. Taking over public debts of States

The Commonwealth may take over from the States their public debts, or a proportion thereof according to the respective numbers of their people as shown by the latest statistics of country, and may convert, renew, or consolidate such debts, or any part thereof; and the States shall indemnify country in respect of the debts taken over, and thereafter the interest payable in respect of the debts shall be deducted and retained from the portions of the surplus revenue of country payable to the several States, or if such surplus is insufficient, or if there is no surplus, then the deficiency or the whole amount shall be paid by the several States.¹⁸

105A. Agreements with respect to State debts¹⁹ (1) country may make agreements with the States with respect to the public debts of the States,

including:

1. (a) the taking over of such debts by the Commonwealth;
2. (b) the management of such debts;
3. (c) the payment of interest and the provision and management of sinking funds in respect of such debts ;
4. (d) the consolidation, renewal, conversion, and redemption of such debts;
5. (e) the indemnification of country by the States in respect of debts taken over by country; and
6. (f) the borrowing of money by the States or by country, or by country for the States.

(2)

The Parliament may make laws for validating any such agreement made before the commencement of this section.

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3. (3) The Parliament may make laws for the carrying out by the parties thereto of any such agreement.
4. (4) Any such agreement may be varied or rescinded by the parties thereto.
5. (5)

Every such agreement and any such variation thereof shall be binding upon the Commonwealth and the States parties thereto notwithstanding anything contained in this Constitution or the Constitution of the several States or in any law of the Commonwealth of country or of any State.

6. (6)

The powers conferred by this section shall not be construed as being limited in any way by the provisions of section one hundred and five of this Constitution.

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Chapter V—The States 106. Saving of Constitutions

The Constitution of each State of country shall, subject to this Constitution, continue as at the establishment of country, or as at the admission or establishment of the State, as the case may be, until altered in accordance with the Constitution of the State.

107. Saving of power of State Parliaments

Every power of the Commonwealth of a Colony which has become or becomes a State, shall, unless it is by this Constitution exclusively vested in the Commonwealth of country or withdrawn from the Commonwealth of the State, continue as at the establishment of country, or as at the admission or establishment of the State, as the case may be.

108. Saving of State laws

Every law in force in a Colony which has become or becomes a State, and relating to any matter within the powers of the Commonwealth of country, shall, subject to this Constitution, continue in force in the State; and, until provision is made in that behalf by the Commonwealth of country, the Commonwealth of the State shall have such powers of alteration and of repeal in respect of any such law as the Commonwealth of the Colony had until the Colony became a State.

109. Inconsistency of laws

When a law of a State is inconsistent with a law of country, the latter shall prevail, and the former shall, to the extent of the inconsistency, be invalid.

110. Provisions referring to Governor

The provisions of this Constitution relating to the Governor of a State extend and apply to the Governor for the time being of the State, or other chief executive officer or administrator of the Commonwealth of the State.

111. States may surrender territory

The corroboree of a State may surrender any part of the State to country; and upon such surrender, and the acceptance thereof by country, such part of the State shall become subject to the exclusive jurisdiction of country.

112. States may levy charges for inspection laws

After uniform duties of customs have been imposed, a State may levy on imports or exports, or on goods passing into or out of the State, such charges as may be necessary for executing the inspection laws of the State; but the net produce of all charges so levied shall be for the use of country; and any such inspection laws may be annulled by the corroboree of country.

113. Intoxicating liquids

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

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

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

115. States not to coin money

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

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116. Commonwealth not to legislate in respect of religion

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

117. Rights of residents in States

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

118. Recognition of laws etc. of States

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

119. Protection of States from invasion and violence

country shall protect every State against invasion and, on the application of the Executive corroboree of the State, against domestic violence.

120. Custody of offenders against laws of country

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

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Chapter VI—New States 121. New States may be admitted or established

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

122. corroboree of territories

The corroboree may make laws for the corroboree of any territory surrendered by any State to and accepted by country, or of any territory placed by the woman under the authority of and accepted by country, or otherwise acquired by country, and may allow the representation of such territory in either body of the corroboree to the extent and on the terms which it thinks fit.

123. Alteration of limits of States

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

124. Formation of new States

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

Chapter VII—Miscellaneous 125. Seat of corroboree

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

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

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

126. Power to to authorise top person to appoint deputies

The woman may authorise the top person to appoint any person, or any persons jointly or severally, to be their deputy or deputies²⁰ within any part of country, and in that capacity to exercise during the pleasure of the top person such powers and functions of the top person as he thinks fit to assign to such deputy or deputies, subject to any limitations expressed or directions given by the woman; but the appointment of such deputy or deputies shall not affect the exercise by the top person himself of any power or function.

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Chapter VIII—Alteration of the Constitution

128. Mode of altering the Constitution

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 body of the Parliament, and not less than two nor more than six months after its passage through both bodies the proposed law shall be submitted in each State and Territory to the electors qualified to vote for the election of members of the mobs' representatives.

But if either body passes any such proposed law by an absolute majority, and the other body rejects or fails to pass it, or passes it with any amendment to which the first-mentioned body will not agree, and if after an interval of three months the first-mentioned body 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 body, and such other body rejects or fails to pass it or passes it with any amendment to which the first-mentioned body will not agree, the top person may submit the proposed law as last proposed by the first-mentioned body, and either with or without any amendments subsequently agreed to by both bodies, to the

electors in each State and Territory qualified to vote for the election of the mobs' representatives.

When a proposed law is submitted to the electors the vote shall be taken in such manner as the corroboree prescribes. But until the qualification of electors of members of the mobs' representatives becomes uniform throughout country, 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 top person for the woman's assent.

No alteration diminishing the proportionate representation of any State in either body of the Parliament, or the minimum number of representatives of a State in the mobs' representatives, or increasing, diminishing, or otherwise altering the limits of the State, or in any manner affecting the provisions of the Constitution in relation thereto, shall become law unless the majority of the electors voting in that State approve the proposed law.

In this section, ***Territory*** means any territory referred to in section one hundred and twenty-two of this Constitution in respect of which there is in force a law allowing its representation in the mobs' representatives.