

ANNO VICESIMO QUARTO & VICESIMO QUINTO

VICTORIÆ REGINÆ.

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CAP. XLIV.

An Act to remove Doubts respecting the Authority of the Legislature of *Queensland*, and to annex certain Territories to the Colony of *South Australia*, and for other Purposes. [22d *July* 1861.]

WHEREAS by an Act passed in the Session of Parliament holden in the Fifth and Sixth Years of Her Majesty, intituled *An Act for the Government of* New South Wales *and* Van Diemen's Land, it was enacted that it should be lawful for Her Majesty, by Letters Patent to be from Time to Time issued under the Great Seal of the United Kingdom of *Great Britain* and *Ireland*, to define, as to Her Majesty should seem fit, the Limits of the Colony of *New South Wales*, and to erect into a separate Colony or Colonies any Territories which then were or were reputed to be or thereafter might be comprised within the said Colony of *New South Wales;* provided always, that no Part of the Territories lying Southward of the Twenty-sixth Degree of South Latitude in the said Colony should by any such Letters Patent be detached from the said Colony: And whereas by a Bill passed by the Legislative Council of *New South Wales*, in the Seventeenth Year of Her Majesty, intituled *An Act to confer a Constitution upon* New South Wales, *and to grant a Civil List to Her Majesty*, which said Act was, with certain Amendments, assented to by Her Majesty in Council under Authority of an Act of Parliament passed in the Session holden in the Eighteenth and Nineteenth Year of Her said Majesty, intituled *An Act to enable Her Majesty to assent to a Bill* 5 & 6 Vict. c. 76.

18 & 19 Vict. c. 54., Schedule 1. s. 46.

a Bill as amended of the Legislature of New South Wales *to confer a Constitution upon* New South Wales, *and to grant a Civil List to Her Majesty*, it was provided that nothing in the said Bill contained should be deemed to prevent Her Majesty from altering the Boundary of *New South Wales* on the North in such Manner as to Her Majesty might seem fit, nor from detaching from the said Colony that Portion of the same which lies between the Western Boundary of *South Australia* and the One hundred and twenty-ninth Degree of East Longitude, reckoning from the Meridian of *Greenwich*: And whereas by the last-recited Act of Parliament Provision was made respecting the Exercise by Her Majesty of the Power given Her by the said Bill of altering the Northern Boundary of *New South Wales* and it was declared that it should be lawful for Her Majesty, by Letters Patent to be from Time to Time issued under the Great Seal of the United Kingdom of *Great Britain* and *Ireland*, to erect into a separate Colony or Colonies any Territories which might be separated from *New South Wales* by such Alteration as aforesaid of the Northern Boundary thereof, and in and by such Letters Patent or by Order in Council to make Provision for the Government of any such Colony, and for the Establishment of a Legislature therein in manner as nearly resembling the Form of Government and Legislature which should be at such Time established in *New South Wales* as the Circumstances of such Colony would allow, and that full Power should be given in and by such Letters Patent or Order in Council to the Legislature of the said Colony to make further Provision in that Behalf: And whereas in virtue of the Powers herein-before set forth Her Majesty did, by certain Letters Patent bearing Date the Sixth Day of *June* in the Year One thousand eight hundred and fifty-nine, separate certain Territories therein mentioned from the Colony of *New South Wales*, and did erect the said Territories into a separate Colony under the Name of *Queensland*, and did also, by a certain Order in Council, also bearing Date the said Sixth Day of *June* One thousand eight hundred and fifty-nine, make Provision for the Government of the said Colony of *Queensland*, and for the Establishment of a Legislature therein, but the Form of Government and Legislature so established did not in all respects resemble the Form of Government and Legislature at that Time established in *New South Wales*: And whereas Doubts are entertained whether the Powers intended to be conferred upon the said Government and Legislature by the said Order in Council, and the Acts done by them, may not be invalid by reason of such Want of Resemblance as aforesaid: And whereas Doubts are also entertained whether it is competent to Her Majesty by Letters Patent to annex to any existing Colony any Part of *New South Wales* which may be detached therefrom, or to detach from *New South Wales* that Portion thereof which lies between the Western Boundary of *South Australia* and the One hundred and twenty-ninth Degree of East Longitude; And whereas it is expedient to set at rest all such Doubts as aforesaid, and also to detach from *New South Wales* the last-mentioned Portion thereof, and to annex the same to *South Australia*: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice

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:

Certain Territories detached from New South Wales and annexed to South Australia.

1. So much of the Colony of *New South Wales*, being to the South of the Twenty-sixth Degree of South Latitude, as lies between the Western Boundary of *South Australia* and the One hundred and twenty-ninth Degree of East Longitude, shall be and the same is hereby detached from the Colony of *New South Wales* and annexed to the Colony of *South Australia*, and shall for all Purposes whatever be deemed to be Part of the said last-mentioned Colony from the Day on which this Act of Parliament shall be proclaimed therein.

Power to annex to existing Colonies Territories now Part of New South Wales.

2. It shall be lawful for Her Majesty by such Letters Patent as aforesaid to annex to any Colony which is now or may hereafter be established on the Continent of *Australia* any Territories which, in exercise of the Powers herein-before mentioned, might have been erected into a separate Colony: Provided always, that it shall be lawful for Her Majesty in such Letters Patent to reserve such Powers of revoking or altering the same as to Her Majesty shall seem fit, or to declare the Period during which such Letters Patent shall remain in force; and also on the Revocation or other Determination of such Letters Patent again to exercise, in respect of the Territories referred to therein or any Part thereof, all such Powers and Authority as might have been exercised if the said Letters Patent had never been made.

All Provisions of Letters Patent of 6th June 1859 and Proceedings thereunder of Government, &c. of Queensland to be valid.

3. All the Provisions made in the afore-mentioned Letters Patent and Order in Council of the said Sixth Day of *June* One thousand eight hundred and fifty-nine, for establishing the Colony of *Queensland*, and for the Government of the said Colony, and for the Establishment of a Legislature therein, shall be and be deemed to have been valid and effectual for all Purposes whatever, and all Acts and Proceedings of the said Government and Legislature shall be and be deemed to have been from the Date of the said Order in Council of the same Force and Effect as if the last-mentioned Order in Council had been in all respects valid and free from Doubt.

Sect. 7. of 18 & 19 Vict. c. 54. repealed.

4. And whereas in the event of any Territories being hereafter separated from *New South Wales*, and erected into a separate Colony, it may not be expedient that the Form of the Government and Legislature to be established in the said Colony should depend upon the Form of Government and Legislature which may, at the Time of such Separation, be established in *New South Wales*; be it enacted as follows:

So much of the secondly herein recited Act of Parliament as requires that the Government and Legislature of any Colony so erected as aforesaid shall, as nearly as the Circumstances of the said Colony shall allow, resemble the Form of Government and Legislature which shall be at such Time established in *New South Wales*, shall be and the same is hereby repealed.

Provision for determining Boundaries.

5. Whereas the Boundaries of certain of Her Majesty's Colonies on the Continent of *Australia* may be found to have been imperfectly or incon-

inconveniently defined, and it may be expedient, from Time to Time, to determine or alter such Boundaries: Be it therefore further enacted, as follows:

It shall be lawful from Time to Time for the Governors of any contiguous Colonies on the said Continent, with the Advice of their respective Executive Councils, by any Instrument under their joint Hands and Seals, to determine or alter the common Boundary of such Colonies; and the Boundary described in any such Instrument shall be deemed to be, within the Limits there laid down, the true Boundary of said Colonies, so soon as Her Majesty's Approval of such Instrument shall have been proclaimed in either of such Colonies by the Governor thereof.

Providing Mode of apportioning Public Debt in the event of any Territory being separated from any Australian Colony.

6. In the event of any Territory being hereafter separated from any *Australian* Colony, and either erected into a separate Colony or annexed to any other Colony, if the Governor of the Colony to which such Territory belonged before Separation, or the Governor of the Colony to which it shall belong or which it may constitute after Separation, shall represent to One of Her Majesty's Principal Secretaries of State that a Question has arisen between the Governments of the Two Colonies as to the Proportions in which the Public Debt of the Colony from which such Territory has been separated should be borne by the Two Colonies respectively after Separation, or as to the Division of the Public Monies in the Treasury of such first-mentioned Colony at the Time of Separation, it shall be lawful for Her Majesty, through One of Her Principal Secretaries of State, to require the Governors of the Two Colonies, with the Advice of their respective Executive Councils, each to appoint a Commissioner, and it shall be lawful for Her Majesty to appoint a Third Commissioner, not being a Resident in or employed in the Public Service of either Colony and to fix the Time and Place of the First Meeting of the Commissioners, and such Commissioners shall determine the Proportion in which such Monies or Debt shall be divided between the Two Colonies; and the Award of such Commissioners, or of any Two of them, when confirmed by Her Majesty in Council, shall be final and conclusive against both Colonies: Provided always, that nothing herein contained, and no Award as aforesaid, shall in any way prejudice or affect the Security of any Debentures which may have been issued before the Separation of any Territory by the Government of the Colony from which such Territory may be separated, or the absolute Right and Claim of the Holders thereof to demand and receive Payment of the Amounts thereby respectively purporting to be secured, as well out of the Revenues of the Colony from which such Territory has been separated as out of the Revenues of the Colony to which such Territory shall belong or which it may constitute.

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