1. Original Acts.	2. How far continued.	3. Amending Acts.
(26) 41 & 42 Vict. c. 41. Returning Officers Expenses (Scotland).	The whole Act.	——
(27) 41 & 42 Vict. c. 72. Sale of Liquors on Sunday (Ireland).	The whole Act.	——
(28) 43 Vict. c. 18. Parliamentary Elections.	The whole Act so far as it is not repealed.	——
(29) 46 & 47 Vict. c. 35. Diseases Prevention, Metropolis.	The whole Act - - -	47 & 48 Vict. c. 60.
(30) 46 & 47 Vict. c. 51. Corrupt and Illegal Practices Prevention.	The whole Act.	——

CHAPTER 60.

An Act to constitute a Federal Council of Australasia.

[14th August 1885.]

WHEREAS it is expedient to constitute a Federal Council of Australasia, for the purpose of dealing with such matters of common Australasian interest, in respect to which united action is desirable, as can be dealt with without unduly interfering with the management of the internal affairs of the several colonies by their respective legislatures:

Be it 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:

Definitions.

1. In this Act, unless the context otherwise require, the following terms shall bear the meanings set opposite to them respectively:—

"Colonies."—The colonies (including their respective dependencies) of Fiji, New Zealand, New South Wales, Queensland, Tasmania, Victoria, and Western Australia, and the province of South Australia, and any other colonies that may hereafter be created in Australasia, or those of the said colonies in respect to which this Act is in operation:

"Crown Colony."—Any colony in which the control of public officers is retained by Her Majesty's Imperial Government:

"Her Majesty's possessions in Australasia."—The colonies and such other territories as Her Majesty may from time to time declare by Order in Council to be within the operation of this Act:

"Council."—The Federal Council as hereby constituted:

"Governor."—The Governor, Lieutenant Governor, or other officer administering the government of the colony referred to, with the advice of his executive council, except in the case of a Crown colony, in which case the word shall mean the Governor, Lieutenant Governor, or such other officer alone.

Institution of Federal Council.

2. There shall be in and for Her Majesty's possessions in Australasia a Federal Council, constituted as herein-after provided, and called the Federal Council of Australasia, which shall have the functions, powers, and authority herein-after defined.

Power to make laws.

3. Within such possessions Her Majesty shall have power, by and with the advice and consent of the Council, to make laws for the purposes herein-after specified, subject to the provisions herein contained respecting the operation of this Act.

Session of Council.

4. A session of the Council shall be held once at least in every two years.

Constitution of Council.

5. Each colony shall be represented in the Council by two members, except in the case of Crown colonies, which shall be represented by one member each. Her Majesty, at the request of the legislatures of the colonies, may by Order in Council from time to time increase the number of representatives for each colony.

Appointment, &c. of representatives.

6. The legislature of any colony may make such provision as it thinks fit for the appointment of the representatives of that colony, and for determining the tenure of their office.

Place of sitting of Council.

7. The first session of the Council shall be held at Hobart, in the colony of Tasmania. Subsequent sessions shall be held in such colony as the Council shall from time to time determine.

Summoning and prorogation of Council.

8. The Council shall be summoned and prorogued by the Governor of the colony in which the session shall be held; and shall be so summoned and prorogued by proclamation, published in the "Government Gazette" of each of the colonies; and shall meet at such time and at such place as shall be named in the proclamation.

Governors to report names of representatives.

9. The Governor of each colony shall from time to time transmit to the Governors of the other colonies the names of the members appointed to represent the colony of which he is Governor.

Vacancy in representation not to affect acts of Council.

10. Notwithstanding any vacancy in the representation of any colony, the Council shall be competent to proceed to the dispatch of business, and to exercise the authority hereby conferred upon it.

Special sessions of Council.

11. At the request of the Governors of any three of the colonies, a special session of the Council shall be summoned to deal with such special matters as may be mentioned in the proclamation convening it. Until the Council shall make other provision in that behalf, any such special session shall be summoned by the Governor of Tasmania, and shall be held at Hobart.

President of Council.

12. The Council shall in each session elect one of its members to be president.

Quorum, and voting.

13. The presence of a majority of the whole number of members of the Council for the time being, representing a majority of the colonies with respect to which this Act is in operation, shall be necessary to constitute a quorum for the dispatch of business, and all questions which shall arise in the Council shall be decided by

the votes of a majority of the members present, including the president.

Oath or affirmation to be taken by members.

14. No member of the Council shall sit or vote until he shall have taken and subscribed before the governor of one of the colonies the oath of allegiance contained in the schedule hereto: Provided that every member authorised by the law of the colony which he represents to make an affirmation instead of taking an oath may make such affirmation instead of the oath hereby required to be taken.

Matters subject to legislative authority of Council.

15. Saving Her Majesty's prerogative, and subject to the provisions herein contained with respect to the operation of this Act, the Council shall have legislative authority in respect to the several matters following:—

(*a.*) The relations of Australasia with the islands of the Pacific:

(*b.*) Prevention of the influx of criminals:

(*c.*) Fisheries in Australasian waters beyond territorial limits:

(*d.*) The service of civil process of the courts of any colony within Her Majesty's possessions in Australasia out of the jurisdiction of the colony in which it is issued:

(*e.*) The enforcement of judgments of courts of law of any colony beyond the limits of the colony:

(*f.*) The enforcement of criminal process beyond the limits of the colony in which it is issued, and the extradition of offenders (including deserters of wives and children, and deserters from the imperial or colonial naval or military forces):

(*g.*) The custody of offenders on board ships belonging to Her Majesty's Colonial Governments beyond territorial limits:

(*h.*) Any matter which at the request of the legislatures of the colonies Her Majesty by Order in Council shall think fit to refer to the Council:

(*i.*) Such of the following matters as may be referred to the Council by the legislatures of any two or more colonies, that is to say,—general defences, quarantine, patents of invention and discovery, copyright, bills of exchange and promissory notes, uniformity of weights and measures, recognition in other colonies of any marriage or divorce duly solemnized or decreed in any colony, naturalisation of aliens, status of corporations and joint stock companies in other colonies than that in which they have been constituted, and any other matter of general Australasian interest with respect to which the legislatures of the several colonies can legislate within their own limits, and as to which it is deemed desirable that there should be a law of general application: provided that in such cases the Acts of the Council shall extend only to the colonies by whose legislatures the matter shall have been so referred to it, and such other colonies as may afterwards adopt the same.

Every Bill in respect of the matters marked (*a*), (*b*), or (*c*), shall, unless previously approved by Her Majesty through one of Her Principal Secretaries of State, be reserved for the signification of Her Majesty's pleasure.

Power to Governors to refer questions for determina-

16. The Governors of any two or more of the colonies may, upon an address of the legislatures of such colonies, refer for the consideration and determination of the Council any questions relating

to those colonies or their relations with one another, and the Council shall thereupon have authority to consider and determine by Act of Council the matters so referred to it. tion of Council.

17. Every Bill passed by the Council shall be presented, for Her Majesty's assent, to the Governor of the colony in which the Council shall be sitting, who shall declare, according to his discretion, but subject to the provisions of this Act and to Her Majesty's instructions, either that he assents thereto in Her Majesty's name, or that he withholds such assent, or that he reserves the Bill for the signification of Her Majesty's pleasure, or that he will be prepared to assent thereto, subject to certain amendments to be specified by him. Royal assent to Bills passed by Council.

18. When the Governor assents to a Bill in Her Majesty's name, he shall, by the first convenient opportunity, send an authentic copy of the Act to one of Her Majesty's Principal Secretaries of State, and if Her Majesty, within one year after receipt thereof by the Secretary of State, thinks fit to disallow the Act, such disallowance (with a certificate of the Secretary of State of the day on which the Act was received by him) being signified by such Governor by message to the Council, or by proclamation in the "Government Gazette" of all the colonies affected thereby, shall annul the Act from and after the day of such signification. Power to Her Majesty to disallow Act to which Governor has assented in Her Majesty's name.

19. A Bill reserved for the signification of Her Majesty's pleasure shall not have any force unless and until within one year from the day on which it was presented to the Governor for Her Majesty's assent such Governor signifies, by message to the Council, or by proclamation published as last aforesaid, that it has received the assent of Her Majesty. Bill reserved for signification of Her Majesty's pleasure.

20. All Acts of the Council, on being assented to in manner herein-before provided, shall have the force of law in all Her Majesty's possessions in Australasia in respect to which this Act is in operation, or in the several colonies to which they shall extend, as the case may be, and on board all British ships, other than Her Majesty's ships of war, whose last port of clearance or port of destination is in any such possession or colony. Acts of Council when assented to to have force of law.

21. Every Act assented to in the first instance shall be proclaimed in the "Government Gazette" of the colony in which the session of the Council at which it was passed was held, and shall also be transmitted by the Governor assenting thereto to the Governors of the several colonies affected thereby, and shall be proclaimed by them within the respective colonies of which they are Governors. Publication of Acts.

22. If in any case the provisions of any Act of the Council shall be repugnant to, or inconsistent with, the law of any colony affected thereby, the former shall prevail, and the latter shall, so far as such repugnance or inconsistency extends, have no operation. Acts of Council to supersede Colonial enactments.

23. The Council may from time to time make and adopt such standing rules and orders as may be necessary for the conduct of its business, and all such rules and orders shall be binding on the members of the Council. Standing orders for conduct of business.

24. The Council may appoint temporary or permanent committees of its members, to perform such duties, whether during the Committees of Council.

session of the Council or when the Council is not in session, as may be referred to them by the Council.

Officers and servants.

25. The Council may appoint such officers and servants as may be necessary for the proper conduct of its business, and may direct the payment to them of such remuneration as it may think fit.

Mode of defraying expenditure of Council.

26. The necessary expenditure connected with the business of the Council shall be defrayed in the first instance by the colony wherein the expenditure is incurred, and shall be ultimately contributed and paid by the several colonies in proportion to their population. The amounts payable by the several colonies shall be assessed and apportioned, in case of difference, by the Governor of the colony of Tasmania.

Payment of contributions by colonies.

27. It shall be the duty of the Governor of each colony to direct the payment by the Colonial Treasurer, or other proper officer of the colony, of the amount of the contribution payable by such colony under the provisions of the preceding section.

Evidence of proceedings.

28. Whenever it shall be necessary to prove the proceedings of the Council in any court of justice, or otherwise, a certified copy of such proceedings, under the hand of the clerk or other officer appointed in that behalf by the Council, shall be conclusive evidence of the proceedings appearing by such copy to have been had or taken.

Power to make representations to Her Majesty.

29. The Council may make such representations or recommendations to Her Majesty as it may think fit with respect to any matters of general Australasian interest, or to the relations of Her Majesty's possessions in Australasia with the possessions of foreign powers.

Commencement of Act in respect of any colony.

30. This Act shall not come into operation in respect of any colony until the legislature of such colony shall have passed an Act or Ordinance declaring that the same shall be in force therein, and appointing a day on and from which such operation shall take effect, nor until four colonies at the least shall have passed such Act or Ordinance.

Power to determine operation of Act in any colony.

31. This Act shall cease to be in operation in respect to any colony the legislature of which shall have passed an Act or Ordinance declaring that the same shall cease to be in force therein: Provided nevertheless that all Acts of the Council passed while this Act was in operation in such colony shall continue to be in force therein, unless altered or repealed by the Council.

Short title.

32. This Act shall be styled and may be cited as the Federal Council of Australasia Act, 1885.

The SCHEDULE.

I, , do swear that I will be faithful and bear true allegiance to Her Majesty Queen Victoria and her successors in the Sovereignty of the United Kingdom of Great Britain and Ireland: So help me God.

NOTE.—The name of the Sovereign of the United Kingdom of Great Britain and Ireland for the time being is to be substituted from time to time, with proper terms of reference thereto.