CHAPTER 26.

An Act to enable Her Majesty to assent to a Bill for conferring a Constitution on Western Australia.

[25th July 1890.]

WHEREAS a Bill for conferring a constitution on Western Australia has been passed by the Legislative Council of Western Australia and has been reserved for the signification of Her Majesty's pleasure thereon:

And whereas it is provided by the said Bill that the provisions thereof shall have no force or effect until so much and such parts of the Acts of Parliament specified in the Second Schedule to this Act as relate to the colony and are repugnant to the Bill have been repealed:

And whereas it is expedient that Her Majesty be authorised to assent to the said Bill, subject to an amendment thereof as to the pension of the Attorney-General:

And whereas the said Bill as so amended is set forth in the First Schedule to this Act and is in this Act referred to as the scheduled Bill:

Be it therefore 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:

Power for Her Majesty to assent to scheduled Bill.

1. It shall be lawful for Her Majesty by Order in Council to assent to the scheduled Bill, notwithstanding anything contained in any of the Acts mentioned in the Second Schedule to this Act.

Repeal of certain provisions in Acts of Parliament relating to Western Australia.

2. From the day of the proclamation of this Act in the colony of Western Australia so much and such parts of the several Acts mentioned in the Second Schedule to this Act as relate to the colony of Western Australia and are repugnant to the scheduled Bill shall be repealed.

Provided as follows:

(*a.*) The provisions of the Acts of the session held in the thirteenth and fourteenth years of Her Majesty, chapter fifty-nine, and of the session held in the fifth and sixth years of Her Majesty, chapter seventy-six (being two of the Acts mentioned in the said schedule), which relate to the giving or withholding of Her Majesty's assent to Bills, and the reservation of Bills for the signification of Her Majesty's pleasure thereon, and the instructions to be conveyed to Governors for their guidance in relation to the matters aforesaid, and the disallowance of Bills by Her Majesty, shall apply to Bills to be passed by the Legislative Council and Assembly constituted under the scheduled Bill and this Act, and by any other legislative body or bodies which may at any time hereafter be substituted for the said Legislative Council and Assembly:

(*b.*) So much of the two last-mentioned Acts as relates to the constitution, appointment, and powers of the Legislative Council of the colony of Western Australia shall continue in

force until the first writs have been issued for the election of members to serve in the Legislative Assembly in pursuance of the provisions of the scheduled Bill, but no longer.

Provision as to waste lands in Western Australia.

3. The entire management and control of the waste lands of the Crown in the colony of Western Australia, and of the proceeds of the sale, letting, and disposal thereof, including all royalties, mines, and minerals, shall be vested in the legislature of that colony.

Repeal of existing power to make land regulations subject to savings.

4.—(1.) Section seven of the Act of the session held in the eighteenth and nineteenth years of Her present Majesty, chapter fifty-six, is hereby repealed, but all regulations made under that section, and in force at the commencement of this Act, shall continue in force until altered or repealed in pursuance of the powers conferred by this Act; and for the purposes of this section the Acts of the Legislative Council of Western Australia, entitled the Gold Fields Act, 1886, and the Gold Fields Act Amendment Act, 1888, shall have effect as if they were such regulations as aforesaid.

(2.) Nothing in this Act shall affect any contract or prevent the fulfilment of any promise or engagement made before the time at which this Act takes effect in the colony of Western Australia on behalf of Her Majesty with respect to any lands situate in that colony, nor shall disturb or in any way interfere with or prejudice any vested or other rights which have accrued or belong to the licensed occupants or lessees of any Crown lands within that colony.

Power to repeal and alter scheduled Bill.

5. It shall be lawful for the legislature for the time being of Western Australia to make laws altering or repealing any of the provisions of the scheduled Bill in the same manner as any other laws for the good government of that colony, subject, however, to the conditions imposed by the scheduled Bill on the alteration of the provisions thereof in certain particulars until and unless those conditions are repealed or altered by the authority of that legislature.

Power to divide the colony.

6.—(1.) It shall be lawful for Her Majesty, if at any time or times Her Majesty so thinks fit, by Order in Council, to divide the colony of Western Australia by separating therefrom any portion thereof, and either to erect that portion or any part thereof into a separate colony or colonies under such form of government and legislature as Her Majesty may think fit to establish therein, or to unite the same or any part thereof to any other Australian colony, and further to sub-divide any separate colony so created as aforesaid and to establish in such sub-division any form of government and legislature which Her Majesty may think fit, and to re-unite to the colony of Western Australia any part of any colony so created.

(2.) In the event of any such separation or other proceeding the provisions of the scheduled Bill and of this Act shall apply as far as practicable to the colony of Western Australia as for the time being existing.

(3.) If under the powers conferred by this section any portions of electoral districts are separated from the colony of Western

Australia, the remaining portions not separated shall, until the Legislature of Western Australia otherwise provides, continue to return to the Legislative Assembly of that colony the same number of members as if the separation had not taken place, and the said Assembly shall retain, so far as concerns the colony of Western Australia as constituted after the separation, all the powers and functions vested in it, though it may not thereafter consist of the same number of members as before.

(4.) By any Order in Council made in pursuance of this section power may be given to the legislature of any colony thereby created to make further provision with respect to the government of that colony.

Commencement of Act.

7. This Act and the Order in Council signifying Her Majesty's assent to the scheduled Bill shall be proclaimed in Western Australia by the governor or other person lawfully administering the government of Western Australia within three months after he has received a copy thereof, and this Act and the scheduled Bill shall except as provided in section forty-two of the scheduled Bill, take effect in the colony from the day of such proclamation.

Short title.

8. This Act may be cited as the Western Australia Constitution Act, 1890.

SCHEDULES.

FIRST SCHEDULE.

WESTERN AUSTRALIA.

ANNO QUINQUAGESIMO ———

VICTORIA REGINÆ

No. —.

An Act to confer a Constitution on Western Australia, and to grant a Civil List to Her Majesty. [Reserved, 29th April 1889.]

Preamble.

WHEREAS by the thirty-second section of the Imperial Act passed in the session holden in the thirteenth and fourteenth years of the reign of Her present Majesty, intituled "An Act for the better Government of Her Majesty's Australian Colonies," it was among other things enacted that, notwithstanding anything therein-before contained, it should be lawful for the Governor and Legislative Council of Western Australia, 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 election of the elective members of such Legislative Council, and the qualification of electors and elective members, or to establish in the said Colony, instead of the Legislative Council, a Council and a House of Representatives, or other separate Legislative Houses, to consist of such members to be appointed or elected by such persons and in such manner as by such Act or Acts should be determined, and to vest in such Council and House of Representatives, or other separate Legislative Houses, the powers and functions of the Legislative Council for which the same might be substituted; and whereas it is expedient that the powers vested by the said Act in the said

Governor and Legislative Council should now be exercised, and that a Legislative Council and a Legislative Assembly should be substituted for the present Legislative Council, with the powers and functions herein-after contained: Be it therefore enacted by His Excellency the Governor of Western Australia and its dependencies, by and with the advice and consent of the Legislative Council thereof, as follows:—

Division of Act into parts

1. This Act is divided into seven parts, namely:—
Part I.—Parliamentary.
Part II.—Electoral.
Part III.—Elective Council.
Part IV.—Judicial.
Part V.—Legal.
Part VI.—Financial.
Part VII.—Miscellaneous.

PART I.—PARLIAMENTARY.

Legislature to be constituted in Western Australia.

2. There shall be, in place of the Legislative Council now subsisting, a Legislative Council and a Legislative Assembly: and it shall be lawful for Her Majesty, by and with the advice and consent of the said Council and Assembly, to make laws for the peace, order, and good government of the colony of Western Australia and its dependencies; and such Council and Assembly shall, subject to the provisions of this Act, have all the powers and functions of the now subsisting Legislative Council.

Place and time for holding sessions. Prorogation. Dissolution of Assembly.

3. It shall be lawful for the Governor to fix the place and time for holding the first and every other session of the Legislative Council and Legislative Assembly, and from time to time to vary the same as he may judge advisable, giving sufficient notice thereof: and also to prorogue the Legislative Council and Legislative Assembly from time to time, and to dissolve the Legislative Assembly by proclamation or otherwise whenever he shall think fit.

A session every year.

4. There shall be a session of the Legislative Council and Legislative Assembly once at least in every year, so that a period of twelve months shall not intervene between the last sitting of the said Council and Assembly in one session and the first sitting of the said Council and Assembly in the next session

First calling together of legislature.

5. The Legislative Council and Legislative Assembly shall be called together for the first time at some period not later than six months after the commencement of this Act.

Appointment of members of Council.

6. Before the first meeting of the Legislative Council and Legislative Assembly the Governor in council may, in Her Majesty's name, by instruments under the public seal of the colony, summon to the Legislative Council such persons, to the number of fifteen, as he shall think fit, and thereafter may from time to time, as vacancies occur, in like manner summon to the Legislative Council such other persons as he shall think fit, and every person so summoned shall thereby become a member of the Legislative Council.

No member of the Legislative Council shall hold any office of profit under the Crown other than such as is liable to be vacated on political grounds, or than that of an officer of Her Majesty's sea or land forces on full, half, or retired pay.

One at least of the executive offices liable to be vacated on political grounds shall always be held by a member of the Legislative Council.

Tenure of seats in Council.

7. Every member of the Legislative Council shall, subject to the provisions of this Act, hold his seat therein until Part III. of this Act shall come into operation.

Resignation of councillors.

8. Any member of the Legislative Council may resign his seat therein by a letter to the Governor, and upon the receipt of such letter by the Governor the seat of such member shall become vacant.

Appointment of President.

9. The Governor may from time to time, by an instrument under the public seal of the Colony, appoint one member of the Legislative Council to be President, and may remove him and appoint another in his stead;

President may take part in debates.

and the President may at any time take part in any debate or discussion in the said Council.

Quorum, division, casting vote.

10. The presence of at least five of the members of the Legislative Council, exclusive of the President or of the member presiding, shall be necessary to constitute a quorum for the despatch of business; and all questions in the said Council shall be decided by a majority of votes of the members present, other than the President or the member presiding, and when the votes are equal the President or the member presiding shall have the casting vote.

Constitution of Legislative Assembly.

11. The Legislative Assembly shall consist of thirty members, who shall be elected for the several electoral districts herein-after named and defined.

Convoking of Assembly.

12. For the purpose of constituting the Legislative Assembly, the Governor before the time appointed for the first meeting of the Legislative Council and Legislative Assembly, and thereafter from time to time as occasion shall require, may in Her Majesty's name issue writs under the public seal of the Colony for the general election of members to serve in the Legislative Assembly.

Assembly may proceed to business although full number of writs shall not have been returned.

13. Upon any general election the Legislative Assembly shall be competent to proceed to the despatch of business, at the time appointed by the Governor for that purpose, notwithstanding that any of the writs of election not exceeding five shall not have been returned, or that in any of the electoral districts the electors shall have failed to elect a member to serve in the said Assembly.

Duration of Assembly.

14. Every Legislative Assembly shall continue for four years from the day of the return of the writs for choosing the same and no longer; subject, nevertheless, to be sooner prorogued or dissolved by the Governor.

Election of Speaker.

15. The members of the Legislative Assembly shall, upon their first assembling after every general election, proceed forthwith to elect one of their number to be Speaker; and in case of his death, resignation, or removal by a vote of the said Assembly, the members shall again elect one of their number to be Speaker. The Speaker so elected shall preside at all meetings of the said Assembly.

Quorum necessary in Legislative Assembly

16. The presence of at least ten of the members of the Legislative Assembly, exclusive of the Speaker or of the member presiding, shall be necessary to constitute a quorum for the despatch of business; and all questions in the said Assembly shall be decided by the majority of votes of the members present, other than the Speaker or the member presiding, and when the votes are equal the Speaker or the member presiding shall have the casting vote.

Resignation of seats in the Assembly.

17. Any member of the Legislative Assembly may resign his seat therein by writing under his hand, addressed to the Speaker, and upon the receipt of such resignation by the Speaker the seat of such member shall become vacant.

Qualification for a member of either House.

18. No person shall be qualified to be a member of the Legislative Council or of the Legislative Assembly unless he be a natural-born or naturalised subject of Her Majesty of the full age of twenty-one years, nor unless he be seised at law or in equity of an estate of freehold, for his own use and benefit, in lands or tenements within the Colony, of the value of five

hundred pounds, above all charges and incumbrances affecting the same, or of the yearly value of fifty pounds, and shall have been possessed of such estate for at least one year previous to his election.

Declaration of qualification.

19. Every member of the Legislative Council or Legislative Assembly, before he shall sit or vote in the said Council or Assembly, shall make and subscribe the following declaration :—

"I, A.B., do declare that I am seised at law or in equity of an estate of freehold for my own use and benefit, in lands or tenements in the colony of Western Australia, of the value of five hundred pounds sterling money (or of the yearly value of fifty pounds sterling money) above all charges and incumbrances affecting the same; that the said lands and tenements consist of (describing them sufficiently for identification), of which I am seised in fee simple (or as the case may be), that I have been possessed of the said lands and tenements since the day of 1 , and that I have not collusively or colorably obtained a title to or become possessed of the said lands and tenements, or any part thereof, for the purpose of qualifying or enabling me to be elected a member of the Legislative Council (or Assembly) of Western Australia."

Every member shall deliver such declaration to the clerk of the said Council or Assembly (as the case may be) during a sitting of the House, and such declaration shall be filed and kept by the clerk with the other records of his office.

If any member shall in such declaration knowingly and wilfully make any false statement, he shall be guilty of a misdemeanor, and on conviction shall be liable to the same punishment as if he had been convicted of perjury.

Every member who, before making such declaration, shall sit and vote in the said Council, or in the said Assembly after the election of a Speaker, shall be liable for every day on which he shall so sit and vote to a penalty of two hundred pounds, to be recovered by any person who shall sue for the same in the Supreme Court.

Member may alter or make new declaration.

20. If any member of the Legislative Council or Legislative Assembly, after making such declaration, shall sell or otherwise dispose of the property described therein, or any part thereof, or shall wish to make any alteration in the description of such property, or to substitute other property for the property so described, he may at any time make and subscribe another similar declaration, and shall deliver the same to the clerk of the said Council or Assembly (as the case may be), to be by him filed and kept with the other records of his office.

Members selling qualifying property, after making declaration, disqualified to sit.

21. If any member of the Legislative Coun cil or Legislative Assembly, after making any such declaration, shall sell or otherwise dispose of the property described therein, or any part thereof, so that the remainder is insufficient to constitute the qualification required for a member, he shall be disqualified from holding his seat, and if he shall sit or vote in the said Council or Assembly (as the case may be) after he shall have become so disqualified, he shall for every day on which he shall so offend be liable to a penalty of two hundred pounds, to be recovered by any person who shall sue for the same in the Supreme Court: Provided always, that if such member, at or before the time of selling or otherwise disposing of such property, be seised of other property sufficient to constitute a qualification, he may hold his seat in the said Council or Assembly (as the case may be) if he shall, previously to sitting or voting, have made and subscribed another such declaration, and shall have delivered the same to the clerk of the Council or Assembly (as the case may be), to be filed and kept as aforesaid: Provided further, that the property qualification mentioned in section eighteen and the provisions of this section and of the two next

preceding sections shall not apply to any member of the Legislative Council until Part III. of this Act shall come into operation.

No member of the legislature allowed to sit or vote unless and until he be sworn or have affirmed.

22. No member of the Legislative Council or Legislative Assembly shall sit or vote therein until he shall have taken and subscribed the following oath before the Governor, or before some person authorised by the Governor to administer such oath:

"I, A.B., do sincerely promise and swear that I will be faithful and bear true allegiance to Her Majesty Queen Victoria, as lawful Sovereign of the United Kingdom of Great Britain and Ireland, and of this colony of Western Australia. So help me God."

Affirmation may be made instead of oath.

Provided always, that if the taking of an oath is according to the religious belief of any member unlawful, such member may make and subscribe the following affirmation:

"I, A.B., solemnly declare that the taking of an oath is according to my religious belief unlawful, and I do sincerely promise and affirm that I will be faithful and bear true allegiance to Her Majesty Queen Victoria, as lawful Sovereign of the United Kingdom of Great Britain and Ireland, and of this colony of Western Australia."

And whensoever the demise of Her present Majesty (whom may God long preserve), or of any of Her successors, shall be notified by the Governor to the said Council and Assembly respectively, the members of the said Council and Assembly shall, before they shall be permitted to sit and vote therein, take and subscribe the like oath or affirmation of allegiance to the successor for the time being to the Crown.

Disqualification for membership of either House.

23. No person shall be qualified to be a member of the Legislative Council or Legislative Assembly, if he—

(1) be a member of the other House of the Legislature; or
(2) be a judge of the Supreme Court; or
(3) be the sheriff of Western Australia; or
(4) be a clergyman or minister of religion; or
(5) be an undischarged bankrupt or a debtor whose affairs are in course of liquidation or arrangement; or
(6) has been in any part of Her Majesty's dominions attainted or convicted of treason or felony.

Persons holding contracts for the public service shall be incapable of being elected or sitting.

24. Any person who shall directly or indirectly, himself, or by any person whomsoever in trust for him, or for his use or benefit, or on his account, undertake, execute, hold, or enjoy in the whole or in part any contract, agreement, or commission made or entered into with, under, or from any person whomsoever, for or on account of the Government of the Colony;

Or shall knowingly furnish or provide in pursuance of any such contract, agreement, or commission any money to be remitted abroad, or any goods whatsoever to be used or employed in the service of the public;

And any member of any company, and any person holding any office or position in any company formed for the construction of any railway or other public work, the payment for which, or the interest on the cost of which has been promised or guaranteed by the Government of the Colony;

shall be incapable of being a member of the Legislative Council or Legislative Assembly during the time he shall execute, hold, or enjoy any such contract, agreement, or commission, or office or position, or any part or share thereof, or any benefit or emolument arising from the same.

Any member accepting a contract, or

25. If any person, being a member of the Legislative Council or Legislative Assembly, shall directly or indirectly, himself, or by any

person whomsoever in trust for him, or for his use or benefit, or on his account, enter into, accept, or agree for, undertake, or execute, in the whole or in part, any such contract, agreement, or commission as aforesaid, or if any person being a member of the said Council or Assembly, and having already entered into any such contract, agreement, or commission, or any part or share of any such contract, agreement, or commission, by himself, or by any other person whomsoever in trust for him, or for his use or benefit, or upon his account, shall, after the commencement of the next session of the legislature, continue to hold, execute, or enjoy the same, or any part thereof, the seat of every such member shall be void: Provided that nothing in this or the last preceding section shall extend to persons contributing towards any loan for public purposes heretofore or hereafter raised by the colony, or to the holders of any bonds issued for the purpose of any such loan.

continuing to hold any contract after the commencement of the next session, his seat shall be void.

26. The foregoing provisions shall not extend to any contract, agreement, or commission made, entered into, or accepted by any incorporated company where such company consists of more than twenty persons, and where such contract, agreement, or commission is made, entered into, or accepted for the general benefit of such company, nor to any contract or agreement in respect of any lease, license, or agreement in respect to the sale or occupation of Crown lands.

Not to extend to incorporated trading companies.

27. The foregoing provisions shall not extend to any person on whom, after the commencement of this Act, the completion of any contract, agreement, or commission shall devolve by descent, or limitation, or by marriage, or as devisee, or legatee, until twelve months after he shall have been in possession of the same, or to any executor or administrator until three years after he shall have been in possession of the same.

Not to extend to contracts by descent.

28. If any person while holding an office of profit under the Crown, other than that of an officer of Her Majesty's sea or land forces on full, half, or retired pay, be elected a member of the Legislative Assembly, or of the Legislative Council after Part III. of this Act shall be in operation, he shall, if he takes the oath or makes the affirmation herein-before prescribed, be held by so doing to vacate his said office.

Office holder taking the oath as member thereby to vacate his office.

Provided always, that there shall be five principal executive offices of the Government liable to be vacated on political grounds, and that to such offices this section shall not apply.

Chief executive offices excepted.

The said offices shall be such five offices as shall be designated and declared by the Governor in council, within one month of the coming into operation of this Act, and thereafter from time to time as may be, to be the five principal executive offices of the Government for the purposes of this Act.

Such offices to be designated.

29. If any member of the Legislative Council or Legislative Assembly, after his nomination or election,—

Seats in Parliament vacated in certain cases.

(1.) Ceases to be qualified or becomes disqualified as aforesaid; or,

(2.) Becomes of unsound mind; or,

(3.) Takes any oath or makes any declaration or acknowledgment of allegiance, obedience, or adherence to any foreign Prince or Power, or does, concurs in, or adopts any act whereby he may become a subject or citizen of any foreign State or Power, or whereby he may become entitled to the rights, privileges, or immunities of a subject or citizen of any foreign State or Power; or,

(4.) Fails to give his attendance in the Legislative Council, or in the Legislative Assembly, as the case may be, for two consecutive months of any session thereof without the permission of the said Council or Assembly, as the case may be, entered upon its journals; or,

(5.) Accepts any pension during pleasure or for term of years, or any office of profit from the Crown other than that of an officer of Her Majesty's sea or land forces on full, half, or retired pay,

his seat shall thereupon become vacant: Provided that members accepting offices liable to be vacated on political grounds shall be eligible for re-election, or, while the council remains nominated, for re-appointment.

Vacancies in the Council.

30. Whenever any question arises respecting any vacancy in the Legislative Council the same shall be referred by the Governor to the said Council to be by the said Council heard and determined.

Election to take place on vacancies.

31. Whenever a vacancy occurs in the Legislative Assembly from any cause upon a resolution by the Assembly declaring such vacancy and the cause thereof, the Speaker shall cause a writ to be issued for supplying such vacancy.

The Speaker may, in the case of a vacancy caused by death or resignation, issue such writ without such preceding resolution when the Assembly is not in session.

Summons or election of disqualified persons void.

32. If any person by this Act disabled or declared to be incapable to sit or vote in the Legislative Council or Legislative Assembly shall nevertheless be summoned to the said Council, or elected and returned as a member to serve in the said Assembly (or in the Legislative Council after the coming into operation of Part III. of this Act), such summons or election and return may be declared by the said Council or Assembly, as the case may require, to be void, and thereupon the same shall become and be void to all intents and purposes whatsoever; and if any person under any of the disqualifications mentioned in this Act shall, whilst so disqualified, presume to sit or vote as a member of the said Council or Assembly, such person shall forfeit the sum of five hundred pounds, to be recovered by any person who shall sue for the same in the Supreme Court.

Presence of unqualified persons not to invalidate proceedings.

33. The proceedings of the Legislative Council or Legislative Assembly shall not be invalidated by reason of the presence thereat of any person by this Act disabled or declared to be incapable to sit or vote in the said Council or Assembly.

Standing rules and orders.

34. The Legislative Council and Legislative Assembly in their first session, and from time to time afterwards as there shall be occasion, shall each adopt standing rules and orders, joint as well as otherwise, for the regulation and orderly conduct of their proceedings and the despatch of business, and for the manner in which the said Council and Assembly shall be presided over in the absence of the President or the Speaker, and for the mode in which the said Council and Assembly shall confer, correspond, and communicate with each other, and for the passing, intituling, and numbering of Bills, and for the presentation of the same to the Governor for Her Majesty's assent; and all such rules and orders shall by the said Council and Assembly respectively be laid before the Governor, and being by him approved shall become binding and of force.

Salaries of President, Speaker, and officers.

35. The salary of the President of the Legislative Council shall be at least equal to the salary of the Speaker of the Legislative Assembly; and the salaries and allowances of the various officers of the Legislative Council shall be the same as those of the corresponding officers of the Legislative Assembly; and the chief clerk for the time being of the Legislative Council and of the Legislative Assembly shall respectively be removable from office only in accordance with a vote of the House of which he is an officer.

Privileges of both Houses.

36. It shall be lawful for the legislature of the Colony by any Act to define the privileges, immunities, and powers to be held, enjoyed, and exercised by the Legislative Council and Legislative Assembly, and by the members thereof respectively: Provided that no such privileges, immunities, or powers shall exceed those for the time being held, enjoyed, and exercised by the Commons House of Parliament, or the members thereof.

PART II.—ELECTORAL.

Electoral districts.

37. The colony shall be divided into thirty electoral districts, each returning one member to serve in the Legislative Assembly; that is to say, the districts of—

East Kimberley.	Moore.	Bunbury.
West Kimberley.	Swan.	Nelson.
Roebourne.	Perth.	Sussex.
De Grey.	East Perth.	Toodyay.
Ashburton.	West Perth.	Northam.
Gascoyne.	Fremantle.	York.
Murchison.	North Fremantle.	Beverley.
Geraldton.	South Fremantle.	Williams.
Greenough.	Murray.	Plantagenet.
Irwin.	Wellington.	Albany.

The boundaries of the said electoral districts shall be those in Schedule A. to this Act.

Electoral laws.

38. Except as otherwise provided in this Act, the existing laws relating to the qualification of electors, the mode of election, and all other matters concerning elections, shall be in force, and apply to the election of members to serve in the Legislative Assembly in the same manner as they are now in force in respect of election to the existing Legislative Council.

The electoral laws existing at the date of the coming into operation of Part III. of this Act shall, except as otherwise provided in this Act, be in force and apply to the election of members to serve in the Legislative Council for electoral divisions, in the same manner as such laws shall then be in force in respect of election to the Legislative Assembly for electoral districts.

Qualification of electors.

39. Every man shall be entitled to be registered as a voter, and when registered to vote for a member to serve in the Legislative Assembly for an electoral district, who is qualified as follows; (that is to say,)

(1.) Is of full age and not subject to any legal incapacity; and

(2.) Is a natural-born or naturalised subject of Her Majesty, or a denizen of Western Australia; and

(3.) Has possessed for at least one year before being registered, and within the electoral district for which he seeks to be registered:

(*a.*) Either a freehold estate in possession at law or in equity of the clear value of one hundred pounds sterling above all charges or incumbrances affecting the same; or

(*b.*) A leasehold estate in possession of the clear value of ten pounds sterling per annum; or

(*c.*) A lease or license from the Crown empowering him, subject to the payment of at least ten pounds sterling per annum, to depasture, occupy, cultivate, or mine upon Crown lands; or

(4.) Has occupied for at least one year before being registered, and within the electoral district for which he seeks to be registered:

(*a.*) As householder a dwelling-house of the clear value of ten pounds sterling per annum; or

(*b.*) As a lodger a room or rooms or lodgings of the clear annual value, unfurnished, of ten pounds sterling.

No man shall be entitled to vote at any election for the Legislative Assembly, or for the Legislative Council when constituted under Part III. of this Act, who has been attainted or convicted of treason, felony, or any infamous offence in any part of Her Majesty's dominions unless he shall have served his sentence for the same, or have received a free pardon for such offence, or a pardon conditional on his not leaving the colony.

When joint owners and occupiers shall be entitled to be registered as voters and to vote.

40. Where any premises are jointly owned, occupied, or held on lease or license within the meaning of the last preceding section, or of section fifty-three after Part III. of this Act shall be in operation, by more persons than one, each of such joint owners, occupiers, leaseholders, or licensees shall be entitled to be registered as a voter, and to vote in respect of the said premises in case the value of his individual interest therein, separately considered, would, under the provisions of the last preceding section, or of section fifty-three, entitle him to be registered as a voter and to vote.

Electoral lists.

41. The names of electors under this Act shall be inserted in the electoral lists of the electoral districts, and (when Part III. shall come into operation) in the electoral lists of the electoral divisions, in which they shall be respectively qualified; and all such lists shall specify the Christian and surnames of all such electors, the nature of the qualification, and the place where they respectively reside; and all such lists shall be signed, delivered, printed, and hung up for public inspection by the persons and in the way prescribed in the Electoral Acts for the time being in force, and shall be subject to such claims and notice from any person whose name shall have been omitted therein, and to such objections and notice as to the names of any persons inserted therein, and to such modes of altering, amending, or continuing any such lists as are, or shall be, in these said several respects provided for in the said Electoral Acts, as nearly as may be consistently with the rights of such new electors.

Provided that it shall be lawful, in order to the convenient holding of the first general election under this Act to the Legislative Assembly, and of the general election, mentioned in Part III. of this Act, to the Legislative Council, for the Governor in council to make such arrangements, appoint such persons, and fix such dates and periods, as may to him seem under the circumstances to be required for the doing of any matter or thing necessary to be done under any Electoral Act, notifying the same in the "Government Gazette." Any Electoral Act affected by such notice shall be deemed to be varied accordingly, for the purposes of the said elections.

PART III.—ELECTIVE COUNCIL.

Operation.

42. When six years shall have elapsed from the date of the first summoning, under section six of this Act, of persons to the Legislative Council, or when the Registrar General of the colony shall have certified by writing under his hand to be published in the "Government Gazette," that the population of the colony has, to the best of his knowledge and belief, exclusive of aboriginal natives, attained to sixty thousand souls, whichever event shall first happen, this part shall come into operation, provided that the Governor in council shall have power, by proclamation in the "Government Gazette," to further postpone the operation of this part for any period not exceeding six months.

Certain sections to lapse.

43. On the coming into operation of this part, the first paragraph of section six, and sections eight, nine, and thirty of this Act shall, saving validity of things done, cease to have any operation.

New Legislative Council.

44. From and after the coming into operation of this part, the Legislative Council, as constituted hereunder, shall take the place under this Act and have all the powers and functions of the then subsisting Legislative Council, which shall then cease to exist. Except as provided in the previous section, all the provisions of this Act relating to the Legislative Council shall apply to the Council constituted under this part.

To be elected.

45. The Legislative Council shall consist of fifteen elected members, who shall be returned and shall sit for electoral divisions, as herein-after stated and defined.

Convoking of elected Council

46. For the purpose of constituting the Legislative Council, the Governor, before the time appointed for the first meeting of the Legislative Council and Legislative Assembly, after this part shall be in operation, may, in Her Majesty's name, issue writs under the public seal of the colony for a general election of members to serve in the Legislative Council.

Council may proceed to business although full number of writs shall not have been returned.

47. Upon the general or any subsequent election, the Legislative Council shall be competent to proceed to the despatch of business, at the time appointed by the Governor for that purpose, notwithstanding that any of the writs of election not exceeding two shall not have been returned, or that in any of the electoral divisions the electors shall have failed to elect a member to serve in the said Council.

Members of Council to retire in rotation.

48. The seat of the senior member of the Legislative Council for the time being for each electoral division shall be vacated on the completion of a period of two years from the first day of March following the date on which this part shall come into operation, and also on the completion of each succeeding period of two years. For the purposes of this section, the seniority of a member of the Legislative Council shall be determined by the date of his election, and in the event of two or more persons being elected for a division upon the same day, by the alphabetical precedence of their surnames, and, if necessary, of their Christian names.

Writ for new election.

Upon a seat becoming vacant under this section, the Governor may, in Her Majesty's name, issue a writ, under the public seal of the colony, for the election of a member to fill the seat thus vacated.

Election of President.

49. The members of the Legislative Council shall, upon their first assembly after the general election, proceed forthwith to elect one of their number to be President; and in case of his death, resignation, or removal by a vote of the Council, the members shall again elect one of their number to be President. The President so elected shall preside at all meetings of the said Council.

Resignation of seats in Council.

50. Any member of the Legislative Council may resign his seat therein, by writing under his hand, addressed to the President, and upon the receipt of such resignation by the President the seat of such member shall become vacant.

President to issue election writ in certain cases.

51. Whenever a vacancy, other than under section forty-eight of this Act occurs in the Legislative Council, from any cause, upon a resolution by the Council declaring such vacancy and the cause thereof the President shall cause a writ to be issued for supplying such vacancy. The President may, in the case of a vacancy caused by death or resignation, issue such writ without such preceding resolution, when the Council is not in session.

Electoral divisions.

52. The colony shall be divided into five electoral divisions, each returning three members to serve in the Legislative Council; that is to say,

The metropolitan division, comprising Perth, East Perth, West Perth, Fremantle, North Fremantle, and South Fremantle electoral districts.

The north division, comprising the East Kimberley, West Kimberley, Roebourne, De Grey, and Ashburton electoral districts.

The central division, comprising the Gascoyne, Murchison, Geraldton, Greenough, and Irwin electoral districts.

The east division, comprising the Moore, Swan, Toodyay, Northam, York, and Beverley electoral districts.

The south division, comprising the Murray, Wellington, Bunbury, Nelson, Sussex, Williams, Plantagenet, and Albany electoral districts.

Qualification of electors.

53. Every man shall be entitled to be registered as a voter, and, when registered, to vote for each of any number of candidates not exceeding the

number of members to be elected to serve in the Legislative Council for an electoral division, who is qualified as follows; (that is to say,)

(1.) Is of full age, and not subject to any legal incapacity; and,

(2.) Is a natural born or naturalised subject of Her Majesty, or a denizen of Western Australia; and,

(3.) Has possessed for at least one year before being registered, and within the electoral division for which he seeks to be registered:

(*a.*) Either a freehold estate in possession at law or in equity of the clear value of two hundred pounds sterling above all charges or encumbrances affecting the same; or,

(*b.*) A leasehold estate in possession of the clear value of thirty pounds sterling per annum; or,

(*c.*) A lease or license from the Crown empowering him, subject to the payment of at least thirty pounds sterling per annum, to depasture, occupy, cultivate, or mine upon Crown lands; or,

(4.) Has occupied, for at least one year before being registered, and within the electoral division for which he seeks to be registered, as a householder a dwelling-house of the clear value of thirty pounds sterling per annum.

PART IV.—JUDICIAL.

Judges continued in the enjoyment of their offices during good behaviour.

54. The commissions of the present judges of the Supreme Court and of all future judges thereof shall be, continue, and remain in full force during their good behaviour, notwithstanding the demise of Her Majesty (whom may God long preserve), any law, usage, or practice to the contrary notwithstanding.

But they may be removed by the Crown on the Address of both Houses.

55. It shall be lawful nevertheless for Her Majesty to remove any such judge upon the Address of both Houses of the Legislature of the colony.

Their salaries continued during the continuance of their commissions.

56. Such salaries as are settled upon the judges for the time being by this or any other Act, and also such salary as shall be voted to any judge of the Supreme Court, shall in all time coming be paid and payable to every such judge for the time being, so long as his patent or commission continues in force.

PART V.—LEGAL.

Existing law saved.

57. All laws, statutes, and ordinances which at the commencement of this Act are in force within the colony shall until repealed or varied by any Act of the legislature continue to be of the same force, authority, and effect as if this Act had not been passed, except in so far as the same are repugnant to this Act (in which case they are to that extent hereby amended and repealed as necessary).

Courts of justice, commissions, officers, &c.

58. All courts of civil and criminal jurisdiction, and all legal commissions, powers, and authorities, and all officers, judicial, administrative, or ministerial, within the colony at the commencement of this Act shall, except in so far as they are abolished, altered, or varied by this or any future Act of the legislature of the colony or other competent authority, continue to subsist in the same form and with the same effect as if this Act had not been passed.

Custom duties may be imposed not differential.

59. It shall be lawful for the legislature of the colony, subject to the provisions of this Act, to impose and levy such duties of Customs as to it may seem fit, on the importation into the colony of any goods whatsoever, whether the produce of or exported from the United Kingdom or any of the colonies or dependencies of the United Kingdom or any foreign

country: Provided always, that, except as authorised by the Imperial Act known as the Australian Colonies Duties Act, 1873, no new duty shall be imposed upon the importation into the colony of any article the produce or manufacture of or imported from any particular country or place which shall not be equally imposed on the importation into the colony of the like article the produce or manufacture of or exported from all other countries and places whatsoever.

Duties not to be levied on supplies for Governor or troops nor any duties inconsistent with treaties.

60. It shall not be lawful for the legislature of the colony to levy any duty upon articles imported bonâ fide for the supply of the Governor or of Her Majesty's land or sea forces, nor to levy any duty, impose any prohibition or restriction, or grant any exemption or any drawback or other privilege upon the importation or exportation of any articles, nor to enforce any dues or charges upon shipping, contrary to or at variance with any treaty concluded by Her Majesty with any foreign Power.

Separation of the colony.

61. Nothing in this Act contained shall prevent Her Majesty from dividing the colony of Western Australia as she may from time to time think fit, by separating therefrom any portion thereof, and either erecting the same or any part thereof into a separate colony or colonies under such form of Government as she may think fit, or from sub-dividing any colony so created, or from re-uniting to the colony of Western Australia any part of any colony so created.

After separation, Act to apply to remaining part of colony.

62. In the event of any such separation or other proceeding as in the last preceding section mentioned, the provisions of this Act shall apply, so far as practicable, to the colony of Western Australia as for the time being existing.

PART VI.—FINANCIAL.

Liability of separated portion of colony for public debt.

63. Whenever any portion of the colony is about to be separated therefrom, the Lords Commissioners of Her Majesty's Treasury may if requested by the Governor in Council, on report and accounts furnished by him, declare what portion of the public debt of the Colony has been expended within the territory about to be separated, and the interest and sinking fund, if any, upon the portion of the public debt mentioned in any such declaration shall be a reserved charge payable to the Government of Western Australia by the Government of the separated territory, and due provision for such reserved charge shall be made in any Act regulating the constitution of the separated territory. Provided always, that nothing herein contained, and no declaration or provision as aforesaid, shall in any way prejudice or affect the security of any debentures which may have been issued by the Government of Western Australia before the separation of any such territory.

All duties and revenues to form Consolidated Revenue Fund.

64. All taxes, imposts, rates, and duties and all territorial, casual, and other revenues of the Crown (including royalties) from whatever source arising within the colony, over which the Legislature has power of appropriation, shall form one Consolidated Revenue Fund to be appropriated to the public service of the colony in the manner and subject to the charges herein-after mentioned.

Such fund permanently charged with expenses of collection.

65. The Consolidated Revenue Fund shall be permanently charged with all the costs, charges, and expenses incident to the collection, management, and receipt thereof; such costs, charges, and expenses being subject nevertheless to be reviewed and audited in such manner as is directed by the Audit Act, 1881, or as may from time to time be directed by any Act of the Legislature.

Appropriation and Tax Bills.

66. All Bills for appropriating any part of the Consolidated Revenue Fund or for imposing, altering, or repealing any rate, tax, duty, or impost shall originate in the Legislative Assembly.

No money vote or Bill lawful unless recommended by the Governor.

67. It shall not be lawful for the Legislative Assembly to adopt or pass any vote, resolution, or Bill for the appropriation of any part of the Consolidated Revenue Fund, or of any rate, tax, duty, or impost, to any purpose which has not been first recommended to the Assembly by message of the Governor during the Session in which such votes, resolutions, or Bill is proposed.

No part of public revenue to be issued except on warrants from Governor.

68. No part of the public revenue of the colony arising from any of the sources aforesaid shall be issued except in pursuance of warrants under the hand of the Governor directed to the treasurer.

Civil List.

69. There shall be payable to Her Majesty, in every year, out of the Consolidated Revenue Fund, sums not exceeding in the whole nine thousand eight hundred and fifty pounds, for defraying the expenses of the services and purposes set forth in Schedule B. to this Act, and the said several sums shall be issued by the treasurer in discharge of such warrants as shall from time to time be directed to him under the hand of the Governor.

Sum payable to Aborigines Protection Board.

70. There shall be payable to Her Majesty, in every year, out of the Consolidated Revenue Fund the sum of five thousand pounds mentioned in Schedule C. to this Act to be appropriated to the welfare of the aboriginal natives, and expended in providing them with food and clothing when they would otherwise be destitute, in promoting the education of aboriginal children (including half-castes), and in assisting generally to promote the preservation and well-being of the aborigines. The said annual sum shall be issued to the Aborigines Protection Board by the treasurer on warrants under the hand of the Governor, and may be expended by the said Board at their discretion, under the sole control of the Governor, anything in the Aborigines Protection Act, 1886, to the contrary notwithstanding. Provided always, that if and when the gross revenue of the colony shall exceed five hundred thousand pounds in any financial year, an amount equal to one per centum on such gross revenue shall, for the purposes of this section, be substituted for the said sum of five thousand pounds in and for the financial year next ensuing.

If in any year the whole of the said annual sum shall not be expended, the unexpended balance thereof shall be retained by the said Board, and expended in the manner and for the purposes aforesaid in any subsequent year.

Compensation to officers.

71. And whereas by the operation of this Act certain officers of the Government may lose their offices on political grounds, and it is just to compensate such officers for such loss, be it enacted that the sums set opposite to the names of the persons in Schedule D., to this Act, who at present respectively hold the offices therein mentioned, shall be payable to them annually by way of retiring allowance upon their ceasing to hold office on political grounds after the commencement of this Act; and all such sums shall be paid to such persons out of the Consolidated Revenue Fund, and the treasurer shall make such payments accordingly, on warrants under the hand of the Governor. Provided that if after any such allowance shall have become payable, the person entitled thereto shall accept any appointment under the Crown in any part of Her Majesty's dominions, then such allowance shall, during the tenure of such appointment, be suspended or be reduced pro tanto according as the salary of such appointment added to such allowance is greater than the salary of the office vacated in consequence of this Act.

Consolidated Revenue to be appropriated by Act of the Legislature.

72. After and subject to the charges herein-before mentioned, all the Consolidated Revenue Fund shall be appropriated to such purposes as any Act of the Legislature shall prescribe. Provided that nothing in this Act shall affect the payment of the annual interest or the principal sums mentioned in any outstanding debentures, or of any other charge upon

Debenture or any other

the public revenue, as such interest, principal, or charge becomes due. Nor shall anything in this Act affect any pensions or superannuation allowances which at the commencement of this Act are by law chargeable upon the public revenue of the colony, but all such pensions and superannuation allowances shall remain and be so chargeable, and shall be paid out of the Consolidated Revenue Funds, and all rights and benefits which at the commencement of this Act are by law claimable by or accruing to any civil servant of the Government are hereby reserved and maintained: Provided, nevertheless, that the power to suspend or remove any civil servant from his office shall be vested in the Governor in Council.

charges on Consolidated Revenue Fund not to be affected by such consolidation.

PART VII.—MISCELLANEOUS.

73. The Legislature of the colony shall have full power and authority from time to time by any Act to repeal or alter any of the provisions of this Act: Provided always, that it shall not be lawful to present to the Governor for Her Majesty's assent any Bill by which any change in the constitution of the Legislative Council or of the Legislative Assembly shall be effected unless the second and third readings of such Bill shall have been passed with the concurrence of an absolute majority of the whole number of the members for the time being of the Legislative Council and the Legislative Assembly respectively: Provided also, that every Bill which shall be so passed for the election of a Legislative Council at any date earlier than by Part III. of this Act provided, and every Bill which shall interfere with the operation of sections sixty-nine, seventy, seventy-one, or seventy-two of this Act, or of Schedules B., C., or D., or of this section, shall be reserved by the Governor for the signification of Her Majesty's pleasure thereon.

Legislature as constituted by this Act empowered to alter any of its provisions.

74. The appointment to all public offices under the Government of the colony hereafter to become vacant or to be created, whether such offices be salaried or not, shall be vested in the Governor in Council, with the exception of the appointments of officers liable to retire from office on political grounds, which appointments shall be vested in the Governor alone. Provided always, that this enactment shall not extend to minor appointments which by Act of the Legislature or by order of the Governor in Council may be vested in heads of departments or other officers or persons within the colony.

Appointment to offices under the Government of the colony to be vested in the Governor.

75. For the purposes of this Act— Interpretation.

"Her Majesty" means, when not repugnant to the context, Her Majesty, her heirs and successors.

"Governor" means the person for the time being lawfully administering the Government of Western Australia, or the lawfully appointed deputy of such person.

"Governor in Council" means the Governor acting with the advice of the Executive Council.

"Treasurer" means the treasurer of the colony for the time being.

"Aborigines Protection Board" means the board established under "The Aborigines Protection Act, 1886," or any board with similar functions established in its place under any Act adding to, amending, or substituted for the said Act.

"Person" includes a corporation or association of persons.

"Month" means calendar month.

76. The foregoing provisions of this Act shall have no force or effect until so much and such parts of the following Acts of the Parliament of the United Kingdom, that is to say: thirteenth and fourteenth Victoria, chapter fifty-nine, intituled An Act for the better Government of Her Majesty's Australian Colonies; fifth and sixth Victoria, chapter seventy-

Operation of Act deferred.
18 & 14 Vict. c. 59.
5 & 6 Vict. c. 76.

six, intituled An Act for the better Government of New South Wales and Van Dieman's Land; seventh and eighth Victoria, chapter seventy-four, intituled An Act to explain and amend the Act for the Government of New South Wales and Van Dieman's Land, as severally relate to the colony of Western Australia, and are repugnant to this Act, shall have been repealed.

7 & 8 Vict. c. 74.

Act to be proclaimed.

77. This Act shall be proclaimed in Western Australia, by the Governor, within three months after he shall have received official information of the Royal Assent thereto, and shall commence and, except as provided in section forty-two, take effect from the date of such proclamation.

Short title.

78. This Act may be cited for all purposes as the Constitution Act, 1889.

I reserve this Bill for the signification of Her Majesty's pleasure thereon.

F. NAPIER BROOME,
Governor.

SCHEDULE A.

EAST KIMBERLEY ELECTORAL DISTRICT.

Bounded on the east by the eastern boundary of the colony (longitude 129° E.). On the south by the parallel of 19° 30′ south latitude. On the west by the meridian of 126° east longitude as far north as the parallel of 16° south latitude, thence due west along said parallel to the sea coast, and on the north by the sea coast, including the islands adjacent.

WEST KIMBERLEY ELECTORAL DISTRICT.

Bounded on the north by the 16th parallel of south latitude. On the east by the 126th meridian of east longitude. On the south by the parallel of 19° 30′ south latitude, and on the westward by the sea coast, including the islands adjacent.

ROEBOURNE ELECTORAL DISTRICT.

Bounded on the south by an east and west line through Mount Gregory. On the east by Jones Creek. On the west by the Nickol River, and by a north line from where it enters the Marsh; and on the north by the sea coast, including the islands adjacent.

DE GREY ELECTORAL DISTRICT.

Bounded on the north by the parallel of 19° 30′ south latitude, and by the sea coast, including the islands adjacent, as far west as the mouth of a watercourse known as Jones Creek. On the west by said creek upwards from its mouth aforesaid to a spot due east from Mount Gregory; thence due west to Mount Gregory aforesaid, and thence due south. On the south by the tropic of Capricorn; and on the east by the eastern boundary of the colony.

ASHBURTON ELECTORAL DISTRICT.

Bounded on the south by the tropic of Capricorn. On the east by a north line to Mount Gregory, thence west to the Nickol River, thence by said river northward to where it enters the Marsh, and thence due north; and on the north and west by the sea coast, including the islands adjacent.

GASCOYNE ELECTORAL DISTRICT.

Bounded on the north by the tropic of Capricorn. On the west by the sea coast, including the island adjacent to it. On the south by an east line

from the sea coast towards Mount Murchison to a spot due north, through a point 8 miles west of Tallering Peak; thence due north, thence due east, through a point 10 miles north of Mount Gould; and on the east by the eastern boundary of the colony.

MURCHISON ELECTORAL DISTRICT.

Bounded on the north by an east line, passing through a spot 10 miles north of Mount Gould on the Murchison. On the west by a south line passing through a spot 8 miles west of Tallering Peak. On the south by an east line passing through a spot 1½ miles north of Gulleway Spring; and on the east by the eastern boundary of the colony.

GERALDTON ELECTORAL DISTRICT.

Bounded on the north by an east line from the sea coast in the direction of Mount Murchison. On the west by the sea coast, including the islands adjacent. On the south by a line from the mouth of the Greenough River to Wizard Peak, and thence due east; and on the east by a north line passing through a spot 8 miles west of Tallering Peak.

GREENOUGH ELECTORAL DISTRICT.

Bounded on the north by a line from the mouth of the Greenough River to Wizard Peak, and thence due east. On the west by the sea coast. On the south by a north-east line from the sea coast to Mount Hill, and thence due east; and on the east by a north line, in the direction of a spot eight miles west of Tallering Peak.

IRWIN ELECTORAL DISTRICT.

Bounded on the north by a north-east line from the sea coast to Mount Hill, thence east to a spot due south from a point 8 miles west of Tallering Peak, thence due north, thence due east passing through a spot 1½ miles north of Gulleway Spring. On the west by the sea coast, including the islands adjacent. On the south by an east line from the sea coast passing through the summit of Mount Lesueur; and on the east by the eastern boundary of the colony.

MOORE ELECTORAL DISTRICT.

Bounded on the north by an east line from the sea coast through Mount Lesueur. On the east by a south line through the highest point of the Wongan Hills. On the south by a westerly line passing through Bolgart Spring to the 22nd mile post on the road from Newcastle to New Norcia, the 59th mile post on the road from Perth to New Norcia, along the north boundary of Swan Location 479, and through a spot 30 chains north of trigonometrical station G.B. to the sea coast; and on the west by the sea coast, including the islands adjacent.

SWAN ELECTORAL DISTRICT.

Bounded on the north by an easterly line from the sea coast through a spot 30 chains north from trigonometrical station G.B., and along the north boundary of Swan Location 479 to the 59th mile post on the road from Perth to New Norcia. On the east by a line in a southerly direction from the 59th mile post aforesaid to the south-west corner of Swan Location 95 at Bailup, thence by a south-easterly line to a spot on the Eastern Railway due north from the north-east corner of Helena Location 22, thence by a south line to the south-east corner of said location, thence in a southerly direction to the summit of Mount Dale. On the south by

an east line from the sea coast passing along the north boundary of Perth Location 111, at Nowergup Lake, to a spot due north of the north-east corner of Perthshire Location 104 at Gnangarra Lake, thence due south to said Location's south-east corner, thence by a straight line to the south corner of Swan Location X on the Swan River, thence south-easterly along the north-east boundary of Swan Location 34 to its easternmost corner and thence by a south-easterly line to Mount Dale aforesaid; and on the west by the sea coast, including the islands adjacent.

PERTH ELECTORAL DISTRICT.

Bounded on the northward by the centre of Wellington Street. On the east by the centre of Lord Street. On the west by the centre of Milligan Street, southward to its junction with St. George's Terrace, thence along the centre of Mount Street to its junction with Spring Street, and thence by the centre of Spring Street; and on the south by Perth Water.

EAST PERTH ELECTORAL DISTRICT.

Bounded by lines starting from Perth water and extending along the centre of Lord Street to its junction with Wellington Street, then westerly along the centre of Wellington Street to its junction with Beaufort Street, thence northerly along the centre of Beaufort Street to Walcott Street, thence south-easterly along the centre of Walcott Street to Guildford Road, thence south-westerly along centre of Guildford Road to its junction with Summers Street, thence easterly along north side of Summers Street to the Swan River, thence by the centre of said river upwards to the northernmost corner of Swan Location 34, thence south-easterly along the north-east boundary of Swan Location 34 to its easternmost corner, thence by a south-easterly line to Mount Dale, thence by a west-south-westerly line to the south-east corner of Canning Location 32, thence along south boundary of said Location 32 to its south-west corner, thence by a north-westerly line to the south-east corner of Canning Location 26, thence by that location's south and west boundaries to Bull's Creek, thence by Bull's Creek, Canning River, and Melville Water to Point Belcher, and by a straight line from Point Belcher to the centre of the southern end of Lord Street.

WEST PERTH ELECTORAL DISTRICT.

Bounded on the west by the sea coast. On the north and east by lines extending east from the sea coast, passing along the north boundary of Perthshire Location 111 at Nowergup Lake, to a spot due north of the north-east corner of Perthshire Location 104 at Gnangarra Lake, thence due south to said location's south-east corner, thence by a straight line to the south corner of Swan Location X on the Swan River. On the south by the north and east boundaries of North Fremantle town site, thence by the northern shores of the Swan Estuary upwards to the centre of Spring Street on Perth Water, thence by the centre of Spring Street to its junction with Mount Street, thence by the centre of Mount Street to its junction with St. George's Terrace, thence by the centre of Milligan Street to Wellington Street, thence by the centre of Wellington Street easterly to its junction with Beaufort Street, thence northerly along the centre of Beaufort Street to Walcott Street, thence south-easterly along the centre of Walcott Street to Guildford Road, thence south-westerly along centre of Guildford Road to its junction with Summers Street, thence easterly along north side of Summers Street to the Swan River, thence by the centre of said river upwards to the south corner of Swan Location X aforesaid.

FREMANTLE ELECTORAL DISTRICT.

Bounded on the east by the centre of Market Street from the Swan River to its junction with High Street, thence easterly along the centre of High Street to its junction with Adelaide Street, thence along the centre of Adelaide Street to its junction with Queen Street, thence along the centre of Queen Street to its junction with Henderson Street, thence along the centre of Henderson Street and along the centre of Essex Street, westerly to the sea. And on the south, west, and north by the sea coast and the southern shore of Swan River, including Rottnest, Carnac, Garden, and other islands adjacent.

NORTH FREMANTLE ELECTORAL DISTRICT.

Bounded on the north and east by the north and east boundaries of North Fremantle town site, thence south across Swan River, thence along its southern shore and the southern shore of the Canning River and Bull's Creek to the north-west corner of Canning Location 26, thence due south to the south-west corner of said Location 26. On the west by the sea coast from the north-west corner of North Fremantle town site to Rous Head. On the south by a straight line from Rous Head across Swan River to the north end of the centre of Market Street, thence along the centre of Market Street to its junction with High Street, thence easterly along the centre of High Street to its junction with Adelaide Street, thence along the centre of Adelaide Street to its junction with Queen Street, thence along the centre of Queen Street to its junction with Hill Street, thence along the centre of Hill Street to its junction with Knutsford Street, thence along the centre of Knutsford Street to the east boundary of Fremantle town site, and thence easterly to the south-west corner of Canning Location 26 aforesaid.

SOUTH FREMANTLE ELECTORAL DISTRICT.

Bounded on the north by a line extending from the sea along the centres of Essex Street and Henderson Street to Queen Street, thence along the centre of Queen Street to its junction with Hill Street, thence along the centre of Hill Street to its junction with Knutsford Street, thence along the centre of Knutsford Street to the eastern boundary of Fremantle town-site, thence easterly to the south-west corner of Canning Location 26, and thence easterly to the south-east corner of said Location 26. On the west by the sea coast. On the south by an east line from the sea coast, passing along south boundary of Rockingham town site to a spot due south of the south-east corner of Cockburn Sound Location 350, thence due north to the north-west corner of Cockburn Sound Location 16, thence due east along the north boundary of aforesaid Location 16 to its north-east corner, and thence easterly to the south-west corner of Canning Location 32. On the east by a south-easterly line from the south-east corner of Canning Location 26 to the south-west corner of Canning Location 32.

MURRAY ELECTORAL DISTRICT.

Bounded on the west by the sea coast, including the islands adjacent. On the north by an east line from the sea coast, passing along the south boundary of Rockingham town site, to a spot due south of the south-east corner of Cockburn Sound Location 350, thence due north to the north-west corner of Cockburn Sound Location 16, thence due east along the north boundary of aforesaid Location 16 to its north-east corner, thence easterly to the south-west corner of Canning Location 32, thence east along south boundary of said Location 32, to its south-east corner and thence east-north-easterly to Mount Dale. On the eastward by a south-easterly line from Mount Dale to a spot 20 miles due east from the 41-mile mark

on the Perth-Albany Road aforesaid, thence west to the said mile mark, and from thence by a line extending in a southerly direction to the junction of the Hotham and Williams Rivers, and on the south by an east line from the sea coast passing through the summit of Mount William to the Murray River, and by that river upwards to the junction of the Hotham and Williams Rivers aforesaid.

WELLINGTON ELECTORAL DISTRICT.

Bounded on the west by the sea coast. On the north by an east line from the said coast passing through the summit of Mount William to the Murray River, then by that river upwards to the junction of the Hotham and Williams Rivers. On the eastward by a south-south-easterly line from the junction of the Hotham and Williams Rivers aforesaid to the junction of the Blackwood and Balgarup Rivers. On the south by a west-north-westerly line along the old road from Kojonup to Bunbury, known as the "old post road," to a spot on said road due north for the north-east corner of Wellington Location 40, thence due south, passing along the east boundary of Wellington Location 40 aforesaid to the Preston River, thence by the said Preston River downwards to its entrance into Leschenault inlet and by said inlet to the sea.

BUNBURY ELECTORAL DISTRICT.

Bounded on the west by the sea coast. On the south by an east line from the sea coast to the Capel River, passing along the south boundary of Sussex Location 82, then by said river upwards to Wellington Location 171 inclusive, then due east from the south-west corner of Wellington Location 171 aforesaid to a point due south from the south-east corner of Wellington Location 40. On the east by a due north line to the Preston River; and on the north by the said Preston River downwards to its entrance into Lecshenault inlet, and by said inlet to the sea.

NELSON ELECTORAL DISTRICT.

Bounded on the northward and eastward by lines extending due east from the south-west corner of Wellington Location 171 to a spot due south from the south-east corner of Wellington Location 40, thence north passing along the eastern boundary of said Location 40 to the old road from Bunbury to Kojonup, known as the "old post road," and thence by the said road to the junction of the Balgarup and Blackwood Rivers, thence by a straight line from the said junction to a spot 16 miles west of the 175 mile mark on the Perth-Albany Road. On the westward by a south-easterly line from the south-west corner of Wellington Location 171 aforesaid to the junction of Padbury's Brook with the Blackwood River, and from thence to the south-west corner of Nelson Location 31 at Manjimup, thence in a southerly direction to a spot known as Bullamurrup, thence by the Bullamurrup Creek downwards to its junction with the Warren River. On the southward by said Warren River upwards to its junction with the Wilgarup River, thence by an easterly line to the south-west corner of Nelson Location 6 at Topanup, thence easterly by the road to Albany, to Muir's Bridge at the Frankland River, thence in a northerly direction up the Frankland River, to "Upper Yeriminup Pool," thence northerly to a spot 16 miles west of the 175 mile mark on the Perth-Albany Road aforesaid.

SUSSEX ELECTORAL DISTRICT.

Bounded on the northward by the shore of Geographe Bay, and by an east line from the shore of the said bay to the Capel River, passing along the south boundary of Sussex Location 82, then by the river aforesaid upwards to Wellington Location 171, excluding such location. On the

eastward by a south-easterly line from the south-west corner of Wellington Location 171 aforesaid to the junction of Padbury Brook with the Blackwood River, from thence to the south-west corner of Nelson Location 31 at Manjimup, thence in a southerly direction to a spot known as Bullamurrup, thence by the Bullamurrup Creek downwards to its junction with the Warren River, thence by said river upwards to its junction with the Wilgarup River. On the south-east by a north-north-easterly line extending from the extreme end of D'Entrecasteaux Point to the junction of the Wilgarup River with the Warren River aforesaid; and on the southward and westward by the sea coast, including the islands adjacent.

TOODYAY ELECTORAL DISTRICT.

Bounded on the north by an east line produced east through Mount Lesueur. On the west by a south line through the highest summit in the Wongan Hills, thence westerly through Bolgart Spring, and the 22nd mile post from Newcastle towards New Norcia to the 59th mile post on the road from Perth to New Norcia, thence by a line in a southerly direction from the 59th mile post aforesaid to the south-west corner of Swan Location 95 at Bailup, thence by a south-easterly line to a spot on the Eastern Railway due north from the north-east corner of Helena Location 22. On the south by the Eastern Railway to the Clackline, thence northwards along the branch railway to Newcastle to a spot west-south-westerly from the north-west corner of Avon Location X, thence east-north-easterly along northern boundary of Location X to the east side of the Avon River, thence down said river to the north boundary of Avon Location U, thence east-north-easterly along north boundary of Location U aforesaid and on to south-west corner of Avon Location 895, thence east-north-easterly to the south-east corner of Avon Location 296, thence north-north-westerly to north-west corner of Avon Location W, thence east-north-easterly to north-east corner of Location W aforesaid, and thence due east; and on the east by the 125th meridian of east longitude.

NORTHAM ELECTORAL DISTRICT.

Bounded by lines starting from the Eastern Railway and extending south five miles towards the north-east corner of Helena Location 22, thence east-north-easterly to the north-west corner of Avon Location f, thence east-north-easterly along north boundaries of Avon locations f and J to the north-east corner of Location J, and thence due east. On the north by the Eastern Railway to the Clackline, thence northwards along the branch railway to Newcastle to a spot west-south-westerly from the north-west corner of Avon Location X, thence east-north-easterly along northern boundary of Location X to the east side of the Avon River, thence down said river to the north boundary of Avon Location U, thence east-north-easterly along north boundary of Location U, aforesaid, and on to the south-west corner of Avon Location 895, thence east-north-easterly to the south-east corner of Avon Location 296, thence north-north-westerly to north-west corner of Avon Location W, thence east-north-easterly to north-east corner of location W aforesaid, and thence due east. On the east by the meridian of longitude 125° east.

YORK ELECTORAL DISTRICT.

Bounded on the north by an east-north-easterly line, starting from a spot 5 miles south from the Eastern Railway towards the north-east corner of Helena Location 22, and extending to the north-west corner of Avon Location f, thence east-north-easterly along the north boundaries of Avon Locations f and J to the north-east corner of location J, and thence due east. On the west by a south line to the south-east corner of Helena

Location 22, and thence in a southerly direction to the summit of Mount Dale. On the south by an easterly line from Mount Dale to the south-west corner of Avon Location 30, thence east-north-easterly along south boundaries of Avon locations 30 and O to the Avon River, thence downwards along east side of said river to the north boundary of Avon Location H 2, thence east-north-easterly to the north-east corner of said Location H 2, thence to Mount Stirling and thence due east; on the east by longitude 125° east.

BEVERLEY ELECTORAL DISTRICT.

Bounded on the west by a south-easterly line from Mount Dale to a spot 20 miles due east from the 41-mile mark on the Perth-Albany Road, then in about the same direction to the Hotham River at Reserve 225 A at Cojatotine Pool. On the southward from the south end of the western boundary extending in a north-easterly direction along the Hotham River upwards to Millingnalling Pool and thence due east. On the north by an easterly line from Mount Dale to the south-west corner of Avon Location 30, thence east-north-easterly along south boundaries of Avon locations 30 and O, to the Avon River, thence downwards along east side of said river to the north boundary of Avon Location H 2, thence east-north-easterly to the North-east corner of said Location H 2, thence to Mount Stirling, and thence due east; and on the east by the meridian of longitude 123° east.

WILLIAMS ELECTORAL DISTRICT.

Bounded on the north by a due east line of 20 miles from the 41-mile mark on the Perth-Albany Road, thence south-easterly to the Hotham River at Reserve 225 A at Cojatotine Pool, thence by the river aforesaid upwards to Millingualling Pool, and thence due east. On the west by a line extending in a southerly direction from the aforesaid 41-mile mark to the junction of the Hotham and Williams Rivers thence south-south-easterly to the junction of the Balgarup and Blackwood Rivers. On the south by a due east line, and on the east by the meridian of 120° east longitude.

PLANTAGENET ELECTORAL DISTRICT.

Bounded on the north by an east line from the junction of the Balgarup and Blackwood Rivers to longitude 120° east, thence due north to a point due east of Millingnalling Pool, thence due east to longitude 123° east, thence due north to a point due east of Mount Stirling, and thence due east to longitude 125° east, thence due north to a point due east from Mount Lesueur, and thence due east. On the west by a north-north-easterly line extending from the extreme end of D'Entrecasteaux Point to the junction of the Wilgarup River with the Warren River, thence by an easterly line to the south-west corner of Nelson Location 6 at Topanup, thence easterly by the road to Albany to Muir's Bridge at the Frankland River, thence in a northerly direction up the Frankland River to Upper Yerriminup Pool, thence northerly to a spot 16 miles west of the 175-mile mark on the Perth-Albany Road, and thence north-north-westerly to the junction of the Blackwood and Balgarup Rivers. And on the south by the sea coast, excluding all that portion of land comprised within the municipality of Albany; and on the east by the eastern boundary of the colony.

ALBANY ELECTORAL DISTRICT.

All that portion of land comprised within the municipality of Albany.

SCHEDULE B.

	£	s.	d.
Governor	4,000	0	0
Private secretary	300	0	0
Clerk of the Executive Council	250	0	0
Chief justice	1,200	0	0
Puisne judge	900	0	0
Five ministerial salaries	3,200	0	0
	£9,850	0	0

SCHEDULE C.

	£	s.	d.
For promoting the welfare of aboriginal natives	5,000	0	0

Note the provision in section 70 when the revenue exceeds 500,000*l*.

SCHEDULE D.

	£	s.	d.
Sir Malcolm Fraser, K.C.M.G., Colonial Secretary	700	0	0
Charles Nicholas Warton, Esq., Attorney-General	333	6	8
Anthony O'Grady Lefroy, C.M.G., Colonial Treasurer	550	0	0
John Forrest, C.M.G., Surveyor-General and Commissioner of Crown Lands	500	0	0
	£2,083	6	8

SECOND SCHEDULE.

Session and Chapter.	Title or Short Title.
5 & 6 Vict. c. 76	An Act for the better government of New South Wales and Van Dieman's Land.
7 & 8 Vict. c. 74	An Act to explain and amend the Act for the government of New South Wales and Van Dieman's Land.
13 & 14 Vict. c. 59	An Act for the better government of Her Majesty's Australian Colonies.