

Queensland



CONSTITUTION (REQUESTS) BILL 1999

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1999

A BILL

FOR

An Act to request the amendment of the Statute of Westminster 1931 of the Parliament of the United Kingdom and the Commonwealth of Australia Constitution Act of that Parliament in connection with proposed constitutional arrangements to establish the Commonwealth of Australia as a republic

Preamble—

Parliament's reasons for enacting this Act are—

1. The Government of the Commonwealth proposes to introduce a Bill for a proposed law to alter the Constitution of the Commonwealth to establish the Commonwealth of Australia as a republic with a President chosen by a two-thirds majority of the members of the Commonwealth Parliament.

2. If passed by an absolute majority of each House of the Parliament, the proposed law will be put to the Australian people at a constitutional referendum in accordance with section 128 of the Constitution of the Commonwealth.

3. If the proposed law is approved by the Australian people, it is desirable that—

- (a) the *Statute of Westminster 1931* of the Parliament of the United Kingdom be amended to remove any impediment to the amendment of the Commonwealth of Australia Constitution Act of that Parliament by omitting the Preamble and repealing covering clauses 2 to 8; and
- (b) the Commonwealth of Australia Constitution Act of that Parliament be amended by omitting the Preamble and repealing those covering clauses.

4. Section 15(1) of each of the Australia Act 1986 of the Commonwealth and the Australia Act 1986 of the Parliament of the United Kingdom provides for the amendment of the *Statute of Westminster 1931* of the Parliament of the United Kingdom by an Act of the Parliament of the Commonwealth passed at the request or with the concurrence of the Parliaments of all the States and, subject to section 15(3) of each of those Acts, only in that manner.

5. By reason of section 2(2) of the *Statute of Westminster 1931* of the Parliament of the United Kingdom, the powers of the Parliament of the Commonwealth of Australia include the power to repeal or amend an Act of the Parliament of the United Kingdom in so far as it is part of the law of the Commonwealth.

6. It is intended that the Parliament of the Commonwealth—

- (a) in pursuance of the powers conferred by section 2(2) of the *Statute of Westminster 1931* of the Parliament of the United Kingdom; and
- (b) at the request of the Parliaments of the States in pursuance of—
 - (i) section 15(1) of each of the Australia Acts mentioned in provision 4 of this Preamble; and
 - (ii) section 51(xxxviii) of the Constitution of the Commonwealth of Australia—

should enact an Act in the terms of the schedule.

Constitution (Requests)

The Parliament of Queensland enacts— 1

Short title 2

1. This Act may be cited as the *Constitution (Requests) Act 1999*. 3

Commencement 4

2. This Act commences on the day after the day on which the *Constitution Alteration (Establishment of Republic) 1999* of the Commonwealth receives the Royal Assent. 5
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Purpose 8

3. The purpose of this Act is to request the amendment of the *Statute of Westminster 1931* of the Parliament of the United Kingdom and the Commonwealth of Australia Constitution Act of that Parliament in connection with proposed constitutional arrangements to establish the Commonwealth of Australia as a republic. 9
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Request for Commonwealth legislation 14

4. The Parliament of the State requests the enactment by the Parliament of the Commonwealth of an Act in, or substantially in, the terms set out in the schedule. 15
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SCHEDULE		1
An Act to amend the Statute of Westminster of the Parliament of the United Kingdom and the Commonwealth of Australia Constitution Act of that Parliament		2 3 4
The Parliament of Australia enacts:		5
1	Short title	6
	This Act may be cited as the <i>Commonwealth of Australia Constitution Act Amendment Act 1999</i> .	7 8
2	Commencement	9
	(1) This Act commences on a day to be fixed by Proclamation.	10 11
	(2) That day must not be before the day on which the <i>Constitution Alteration (Establishment of Republic) 1999</i> receives the Royal Assent.	12 13 14
3	Schedule(s)	15
	Each Act that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.	16 17 18 19 20

SCHEDULE 1—<i>Statute of Westminster 1931 of the Parliament of the United Kingdom</i>		1 2
1. Amendment of Imperial Act		3
The <i>Statute of Westminster 1931</i> of the Parliament of the United Kingdom is amended as set out in this Schedule, so far as that Act is part of the law of Australia or of an external Territory.		4 5 6
2. At the end of section 8		7
Add:		8
Nothing in this section prevents the amendment of the Commonwealth of Australia Constitution Act by omitting the Preamble or by repealing sections 2 to 8.		9 10 11 12
SCHEDULE 2—<i>Commonwealth of Australia Constitution Act of the Parliament of the United Kingdom</i>		e 13 14
1. Amendment of Imperial Act		15
The <i>Commonwealth of Australia Constitution Act</i> of the Parliament of the United Kingdom is amended as set out in this Schedule, so far as that Act is part of the law of Australia or of an external Territory.		16 17 18 19
2. Preamble		20
Omit the Preamble.		21
3. Sections 2, 3, 4, 5, 6, 7 and 8		22
Repeal the sections.		23