



# Constitution Act 1867

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## Reprint note

Powers under the *Reprints Act 1992* have been used in this reprint to bring the legislation into line with current drafting practice.

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## Queensland

# Constitution Act 1867

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# Constitution Act 1867

**An Act to consolidate the laws relating to the Constitution of the State of Queensland**

## **Part 1 Preliminary**

### **1A Short title**

This Act may be cited as the *Constitution Act 1867*.

## **Part 2 The Legislature**

### **1 Legislative Assembly**

There shall be within the said Colony of Queensland a Legislative Assembly.

### **2 Legislative Assembly constituted**

Within the said Colony of Queensland Her Majesty shall have power by and with the advice and consent of the said Assembly to make laws for the peace welfare and good government of the colony in all cases whatsoever.

## **2A The Parliament**

- (1) The Parliament of Queensland consists of the Queen and the Legislative Assembly referred to in sections 1 and 2.
- (2) Every Bill, after its passage through the Legislative Assembly, shall be presented to the Governor for assent by or in the name of the Queen and shall be of no effect unless it has been duly assented to by or in the name of the Queen.

# **Part 3 The Governor**

## **11A Office of Governor**

- (1) The Queen's representative in Queensland is the Governor who shall hold office during Her Majesty's pleasure.
- (2) Abolition of or alteration in the office of Governor shall not be effected by an Act of the Parliament except in accordance with section 53.
- (3) In this Act and in every other Act a reference to the Governor shall be taken—
  - (a) to be a reference to the person appointed for the time being by the Queen by Commission under Her Majesty's Royal Sign Manual to the office of Governor of the State of Queensland; and
  - (b) to include any other person appointed by dormant or other Commission under the Royal Sign Manual to administer the Government of the State of Queensland.

## **11B Definition of Royal Sign Manual**

In section 11A the expression *Royal Sign Manual* means the signature or royal hand of the Sovereign.

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## Part 4                      Crown land

### 30        **Legislature empowered to make laws regulating sale and other disposal of waste lands**

Subject to the provisions contained in the Imperial Act of the 18th and 19th Victoria chapter 54 and of an Act of the 18th and 19th years of Her Majesty entitled *An Act to repeal the Acts of Parliament now in force respecting the Disposal of the Waste Lands of the Crown in Her Majesty's Australian Colonies and to make other provisions in lieu thereof* which concern the maintenance of existing contracts it shall be lawful for the legislature of this State to make laws for regulating the sale letting disposal and occupation of the waste lands of the Crown within the said State.

### 40        **The entire management of Crown lands and all revenues thence arising to be vested in the local legislature**

The entire management and control of the waste lands belonging to the Crown in the said State and also the appropriation of the gross proceeds of the sales of such lands and all other proceeds and revenues of the same from whatever source arising within the said State including all royalties mines and minerals shall be vested in the legislature of the said State.

## Part 5                      Requirement for referendum

### 53        **Certain measures to be supported by referendum**

- (1) A Bill that expressly or impliedly provides for the abolition of or alteration in the office of Governor or that expressly or impliedly in any way affects any of the following sections of this Act namely—

sections 1, 2, 2A, 11A, 11B; and

this section 53

shall not be presented for assent by or in the name of the Queen unless it has first been approved by the electors in accordance with this section and a Bill so assented to consequent upon its presentation in contravention of this subsection shall be of no effect as an Act.

- (2) On a day not sooner than two months after the passage through the Legislative Assembly of a Bill of a kind referred to in subsection (1) the question for the approval or otherwise of the Bill shall be submitted to the electors qualified to vote for the election of members of the Legislative Assembly according to the provisions of the *Elections Act 1915–1973* and of any Act amending the same or of any Act in substitution therefor.

Such day shall be appointed by the Governor in Council by Order in Council.

- (3) When the Bill is submitted to the electors the vote shall be taken in such manner as the Parliament of Queensland prescribes.
- (4) If a majority of the electors voting approve the Bill, it shall be presented to the Governor for reservation thereof for the signification of the Queen's pleasure.
- (5) Any person entitled to vote at a general election of members of the Legislative Assembly is entitled to bring proceedings in the Supreme Court for a declaration, injunction or other remedy to enforce the provisions of this section either before or after a Bill of a kind referred to in subsection (1) is presented for assent by or in the name of the Queen.

**Act 24 Geo. 5 No. 35 preserved**

- (6) The provisions of this section shall in no way affect the operation of *The Constitution Act Amendment Act of 1934*.