

Queensland



AUSTRALIAN CONSTITUTIONS ACT 1850

**Reprinted as in force on 12 April 1996
(includes amendments up to 1896 59 & 60 Vic c 14)**

Reprint No. 1 *

**This reprint is prepared by
the Office of the Queensland Parliamentary Counsel
Warning—This reprint is not an authorised copy**

* Minor differences in style between this reprint and another reprint with the same number are due to the conversion to another software program. The content has not changed.

Information about this reprint

This Act is reprinted as at 12 April 1996. The reprint—

- shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c))
- incorporates all necessary consequential amendments, whether of punctuation, numbering or another kind (Reprints Act 1992 s 5(d)).

The reprint includes a reference to the law by which each amendment was made—see list of legislation and list of annotations in endnotes.

Minor editorial changes allowed under the provisions of the Reprints Act 1992 mentioned in the following list have also been made to—

- use standard punctuation consistent with current drafting practice (s 27)
- use expressions consistent with current drafting practice (s 29)
- relocate marginal or cite notes (s 34)
- use aspects of format and printing style consistent with current drafting practice (s 35)
- omit the enacting words (s 42A).

Also see endnotes for information about when provisions commenced.

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AUSTRALIAN CONSTITUTIONS ACT 1850

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AUSTRALIAN CONSTITUTIONS ACT 1850

[as amended by all amendments that commenced on or before 12 April 1996]

An Act for the better government of Her Majesty's Australian Colonies

Preamble

(This section is not reprinted as it is not applicable to Queensland.)

1 Colony of Victoria

(This section is not reprinted as it is not applicable to Queensland.)

2 Council of New South Wales

(This section is not reprinted as it is not applicable to Queensland.)

3 Electoral districts &c.

(This section is not reprinted as it is not applicable to Queensland.)

4 Qualification of voters

(This section is not reprinted as it is not applicable to Queensland.)

5 Independence of Colony of Victoria

(This section is not reprinted as it is not applicable to Queensland.)

6 Recited Acts applicable to New South Wales

Subject to the provisions herein contained, the provisions of the said firstly recited Act of the sixth year of the reign of Her Majesty,¹ as explained and amended by the said Acts of the eighth year of Her Majesty,² shall remain applicable to the said Colony of New South Wales after such separation as aforesaid, and to the Governor and Legislative Council thereof.

11 Altering districts and members

(This section is not reprinted as it is not applicable to Queensland.)

12 5 and 6 Vic. c. 76 and 7 and 8 Vic. c. 74 in part to apply to Victoria Van Diemen's Land South Australia and Western Australia

(This section is not reprinted as it is not applicable to Queensland.)

14 Governors and councils authorised to make laws

(This section is not reprinted as it is not applicable to Queensland.)

15 Expenses of collection and management of revenues

(This section is not reprinted as it is not applicable to Queensland.)

17 Grants for civil and judicial services

(This section is not reprinted as it is not applicable to Queensland.)

18 Appropriation varied

(This section is not reprinted as it is not applicable to Queensland.)

1 The Act intituled 'An Act for the government of New South Wales and Van Diemen's Land'.

2 The Act intituled 'An Act to clear up doubts as to the regulation and audit of the accounts of the customs in New South Wales' and the Act intituled 'An Act to explain and amend the Act for the government of New South Wales and Van Diemen's Land'.

19 Intended appropriation intimated

(This section is not reprinted as it is not applicable to Queensland.)

20 5 and 6 Vic. c. 76 s. 41

(This section is not reprinted as it is not applicable to Queensland.)

23 5 and 6 Vic. c. 76 as to the police establishment repealed

(This section is not reprinted as it is not applicable to Queensland.)

24 Tolls and rates in districts &c.

(This section is not reprinted as it is not applicable to Queensland.)

25 Existing laws

(This section is not reprinted as it is not applicable to Queensland.)

27 Customs duties imposed

(This section is not reprinted as it is not applicable to Queensland.)

28 A Supreme Court may be erected in the Colony of Victoria

(This section is not reprinted as it is not applicable to Queensland.)

29 Provisions for the administration of justice

(This section is not reprinted as it is not applicable to Queensland.)

30 Boundaries of New South Wales and Victoria may be altered by order in council

(This section is not reprinted as it is not applicable to Queensland.)

31 Supplies for troops and under treaties

(This section is not reprinted as it is not applicable to Queensland.)

32 Altering constitution of council

(This section is not reprinted as it is not applicable to Queensland.)

33 Reservation of bills

(This section is not reprinted as it is not applicable to Queensland.)

34 5 and 6 Vic c 76 as to limits of New South Wales

And whereas by the said firstly recited Act of the sixth year of the reign of Her Majesty power is reserved to Her Majesty by letters patent to be from time to time issued under the Great Seal of Great Britain and Ireland to define the limits of the said Colony of New South Wales, and to erect into a separate colony or colonies any territories which then were or were reputed to be or thereafter might be comprised within the said Colony of New South Wales; provided that no part of the territories lying southward of the 26th degree of south latitude in the said Colony of New South Wales should by any such letters patent as aforesaid be detached from the said colony.

And whereas it is expedient that the power reserved to Her Majesty as aforesaid should be extended over certain parts of the said territories lying southward of the 26th degree of south latitude, upon the application of the inhabitants thereof.

Be it enacted, that it shall be lawful for Her Majesty from time to time, upon the petition of the inhabitant householders of any such of the territories in the said recited proviso mentioned as lie northward of the 30th degree of south latitude, to detach such territories from the Colony of New South Wales, and to erect such territories into a separate colony or colonies, or to include the same in any colony or colonies to be established under the powers of the lastmentioned Act; and all the powers and provisions of the lastmentioned Act in respect to any new colony or colonies to be established under such Act shall extend to any new colony or colonies to be established under this enactment.

35 Councils in the newly erected colonies

Provided always, that it shall be lawful for the Legislature which may be constituted according to the provisions of the lastmentioned Act in any colony established under such Act, or under the enactment hereinbefore contained, by any ordinance or ordinances to be made for that purpose,

subject to the conditions and restrictions to which ordinances to be made by such legislature may by law be subject, to establish a Legislative Council within such colony, to consist of such number of members as they shall think fit; and such number of the members of such council as is equal to one-third part of the whole number of members of such council, or, if such number be not exactly divisible by 3, one-third of the next greater number which is divisible by 3 shall be appointed by Her Majesty, and the remaining members of the Council shall be elected by the inhabitants of such colony; and it shall be lawful for such Legislature, by such law or ordinance as aforesaid, to make all necessary provisions for dividing such colony into convenient electoral districts, and for appointing and declaring the number of members of Council to be elected for each such district, and for the compilation and revision of lists of all persons qualified to vote at the elections to be holden within such districts, and for the appointing of returning officers, and for the issuing, executing, and returning of the necessary writs for such elections, and for taking the poll thereat, and for determining the validity of all disputed returns, and otherwise ensuring the orderly, effective, and impartial conduct of such elections; and upon the establishment in such colony of a Legislative Council under this provision, all the provisions of this Act, and of the said firstly recited Act of the sixth year of Her Majesty, and of the said secondly recited Act of the eighth year of Her Majesty, which are hereby made applicable to the Colony of Western Australia after the establishment under this Act of a Legislative Council therein, shall become applicable to the colony in which a Legislative Council is established under this provision, as if all such provisions were here repeated and applied to every such colony.

36 Interpretation of “Governor”

By the term “Governor” of the colonies mentioned in this Act, as used in this Act, shall be understood the persons for the time being lawfully administering the government of such colonies respectively.

38 Act may be amended &c.

(This section is not reprinted as it is not applicable to Queensland.)

SCHEDULE A

NEW SOUTH WALES

(This schedule is not reprinted as it is not applicable to Queensland.)

ENDNOTES

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2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 12 April 1996. Future amendments of the Australian Constitutions Act 1850 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

3 Key

Key to abbreviations in list of legislation and annotations

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	prev	= previous
amd	= amended	(prev)	= previously
amdt	= amendment	proc	= proclamation
ch	= chapter	prov	= provision
def	= definition	pt	= part
div	= division	pubd	= published
exp	= expires/expired	R[X]	= Reprint No.[X]
gaz	= gazette	RA	= Reprints Act 1992
hdg	= heading	reloc	= relocated
ins	= inserted	renum	= renumbered
lap	= lapsed	rep	= repealed
notfd	= notified	s	= section
o in c	= order in council	sch	= schedule
om	= omitted	sdiv	= subdivision
orig	= original	SIA	= Statutory Instruments Act 1992
p	= page	SIR	= Statutory Instruments Regulation 1992
para	= paragraph	SL	= subordinate legislation
prec	= preceding	sub	= substituted
pres	= present	unnum	= unnumbered

4 List of legislation

Australian Constitutions Act 1850 13 & 14 Vic c 59 (Imp)

date of assent 5 August 1850

commenced on date of assent

amending legislation—

Statute Law Revision (No. 2) Act 1893 56 & 57 Vic c 54 (Imp) s 1 sch 1

date of assent 22 September 1893

commenced on date of assent

Short Titles Act 1896 59 & 60 Vic c 14 (Imp) s 1 sch 1

date of assent 20 July 1896

commenced on date of assent

5 List of annotations

Note—The short title was given to this Act by the Short Titles Act 1896 59 & 60 Vic c 14 (Imp) s 1 sch 1.

Preamble amd 56 & 57 Vic c 54 s 1 sch 1

(The preamble is not reprinted as it is not applicable to Queensland.)

Colony of Victoria

s 1 (This section is not reprinted as it is not applicable to Queensland.)

Council of New South Wales

s 2 amd 1893 56 & 57 Vic c 54 s 1 sch 1

(This section is not reprinted as it is not applicable to Queensland.)

Electoral districts &c.

s 3 amd 1893 56 & 57 Vic c 54 s 1 sch 1

(This section is not reprinted as it is not applicable to Queensland.)

Qualification of voters

s 4 amd 1893 56 & 57 Vic c 54 s 1 sch 1

(This section is not reprinted as it is not applicable to Queensland.)

Independence of Colony of Victoria

s 5 amd 1893 56 & 57 Vic c 54 s 1 sch 1

(This section is not reprinted as it is not applicable to Queensland.)

Recited Acts applicable to New South Wales

s 6 amd 1893 56 & 57 Vic c 54 s 1 sch 1

Councils in Van Diemen's Land and South Australia

s 7 om 1893 56 & 57 Vic c 54 s 1 sch 1

Present councils in Van Diemen's Land and South Australia

s 8 om 1893 56 & 57 Vic c 54 s 1 sch 1

Council in Western Australia

s 9 om 1893 56 & 57 Vic c 54 s 1 sch 1

13 Geo. IV. c. 22 to continue in force

s 10 om 1893 56 & 57 Vic c 54 s 1 sch 1

Altering districts and members

s 11 amd 1893 56 & 57 Vic c 54 s 1 sch 1

(This section is not reprinted as it is not applicable to Queensland.)

5 and 6 Vic. c. 76 and 7 and 8 Vic. c. 74 in part to apply to Victoria Van Diemen's Land South Australia and Western Australia

s 12 amd 1893 56 & 57 Vic c 54 s 1 sch 1

(This section is not reprinted as it is not applicable to Queensland.)

Judges' salaries to be reserved

s 13 om 1893 56 & 57 Vic c 54 s 1 sch 1

Governors and councils authorised to make laws

s 14 amd 1893 56 & 57 Vic c 54 s 1 sch 1

(This section is not reprinted as it is not applicable to Queensland.)

Expenses of collection and management of revenues

s 15 amd 1893 56 & 57 Vic c 54 s 1 sch 1

(This section is not reprinted as it is not applicable to Queensland.)

5 and 6 Vic. c. 76 in part repealed

s 16 om 1893 56 & 57 Vic c 54 s 1 sch 1

Grants for civil and judicial services

s 17 amd 1893 56 & 57 Vic c 54 s 1 sch 1

(This section is not reprinted as it is not applicable to Queensland.)

Appropriation varied

s 18 amd 1893 56 & 57 Vic c 54 s 1 sch 1

(This section is not reprinted as it is not applicable to Queensland.)

Intended appropriation intimated

s 19 amd 1893 56 & 57 Vic c 54 s 1 sch 1

(This section is not reprinted as it is not applicable to Queensland.)

5 and 6 Vic c. 76 s. 41

s 20 amd 1893 56 & 57 Vic c 54 s 1 sch 1

(This section is not reprinted as it is not applicable to Queensland.)

6 Vic. c. 76 in part extended to Van Diemen's Land South Australia and Western Australia

s 21 om 1893 56 & 57 Vic c 54 s 1 sch 1

5 and 6 Vic. c. 76 in part extended to district councils

s 22 om 1893 56 & 57 Vic c 54 s 1 sch 1

5 and 6 Vic. c. 76 as to the police establishment repealed

s 23 (This section is not reprinted as it is not applicable to Queensland.)

Tolls and rates in districts &c.

s 24 amd 1893 56 & 57 Vic c 54 s 1 sch 1
(This section is not reprinted as it is not applicable to Queensland.)

Existing laws

s 25 amd 1893 56 & 57 Vic c 54 s 1 sch 1
(This section is not reprinted as it is not applicable to Queensland.)

Taxes in Van Diemen's Land

s 26 om 1893 56 & 57 Vic c 54 s 1 sch 1

Customs duties imposed

s 27 amd 1893 56 & 57 Vic c 54 s 1 sch 1
(This section is not reprinted as it is not applicable to Queensland.)

A Supreme Court may be erected in the Colony of Victoria

s 28 amd 1893 56 & 57 Vic c 54 s 1 sch 1
(This section is not reprinted as it is not applicable to Queensland.)

Provisions for the administration of justice

s 29 amd 1893 56 & 57 Vic c 54 s 1 sch 1
(This section is not reprinted as it is not applicable to Queensland.)

Boundaries of New South Wales and Victoria may be altered by order in council

s 30 amd 1893 56 & 57 Vic c 54 s 1 sch 1
(This section is not reprinted as it is not applicable to Queensland.)

Supplies for troops and under treaties

s 31 amd 1893 56 & 57 Vic c 54 s 1 sch 1
(This section is not reprinted as it is not applicable to Queensland.)

Altering constitution of council

s 32 amd 1893 56 & 57 Vic c 54 s 1 sch 1
(This section is not reprinted as it is not applicable to Queensland.)

Reservation of bills

s 33 amd 1893 56 & 57 Vic c 54 s 1 sch 1
(This section is not reprinted as it is not applicable to Queensland.)

Councils in the newly erected colonies

s 35 amd 1893 56 & 57 Vic c 54 s 1 sch 1
(This section is not reprinted as it is not applicable to Queensland.)

Interpretation of "Governor"

s 36 amd 1893 56 & 57 Vic c 54 s 1 sch 1

Commencement of this Act

s 37 om 1893 56 & 57 Vic c 54 s 1 sch 1

Act may be amended &c.

s 38 amd 1893 56 & 57 Vic c 54 s 1 sch 1
(This section is not reprinted as it is not applicable to Queensland.)

SCHEDULE A—NEW SOUTH WALES

(This section is not reprinted as it is not applicable to Queensland.)

SCHEDULE B—VICTORIA

om 1893 56 & 57 Vic c 54 s 1 sch 1

SCHEDULE C—VAN DIEMEN'S LAND

om 1893 56 & 57 Vic c 54 s 1 sch 1

SCHEDULE D—SOUTH AUSTRALIA

om 1893 56 & 57 Vic c 54 s 1 sch 1