

COMMONWEALTH POWERS ACT.*

Act No. 18, 1943.

An Act to refer certain matters to the Parliament of the Commonwealth until the expiration of five years after Australia ceases to be engaged in hostilities in the present war. [Assented to, 30th June, 1943.]

George VI.
No. 18, 1943.

WHEREAS

*COPY OF THE MESSAGE FROM HIS EXCELLENCE THE GOVERNOR NOTIFYING HIS ASSENT TO THE COMMONWEALTH POWERS BILL.

(Signed) Wakehurst, Governor.

Message.

In a message dated the 24th day of December, 1942, the Governor notified his assent to a Bill, intituled "An Act to refer certain matters to the Parliament of the Commonwealth until the expiration of five years after Australia ceases to be engaged in hostilities in the present war."

Subsequently the Governor was advised that doubts had arisen whether the Bill should not have been reserved under section 1 (subsection (1), paragraph (a)), of the Australian States Constitution Act, 1907, for the signification of His Majesty's pleasure thereon. To resolve these doubts, the Governor sought instructions from His Majesty to assent to the Bill. Instructions so to assent have now been received from His Majesty, and His Excellency, pursuant to paragraph (c) of the proviso to subsection (1) of section 1 of the Australian States Constitution Act, 1907, has accordingly in the name of His Majesty, assented to the Bill and now transmits it to the Legislative Council, to be numbered and forwarded to the proper Officer for enrolment, in the manner required by law.

Government House, Sydney, 30th June, 1943.

NOTE.—The Commonwealth Powers Bill assented to on the 24th December, 1942, appears in the 1942 Volume of the Statutes of New South Wales as Act No. 33, 1942.

No. 18, 1943.

Preamble.

W HEREAS it is enacted by the Constitution of the Commonwealth of Australia that the Parliament of the Commonwealth shall subject to the Constitution have power to make laws for the peace, order and good government of the Commonwealth with respect to matters referred to the Parliament of the Commonwealth by the Parliament or Parliaments of any State or States, but so that the law shall extend only to States by whose Parliaments the matter is referred, or which afterwards adopt the law:

And whereas at a Convention of representatives of the Commonwealth Government and of His Majesty's Opposition in the Parliament of the Commonwealth, and the Premiers and Leaders of the Opposition in the several States, which was convened to meet at Canberra on the twenty-fourth day of November, One thousand nine hundred and forty-two, it was unanimously resolved that adequate powers to make laws in relation to post-war reconstruction should be referred to the Parliament of the Commonwealth by the Parliaments of the States:

And whereas it was further resolved that the reference should be for a period ending at the expiration of five years after Australia ceases to be engaged in hostilities in the present war:

And whereas it was also resolved that it was desirable that the reference should not be revoked during that period:

And whereas the Premiers of the several States have agreed to do their utmost to secure the passage through their respective Parliaments, as early as possible, of a Bill in this form, and in any event to introduce the Bill before the thirty-first day of January, one thousand nine hundred and forty-three:

And whereas it was also agreed that in the execution of laws made by the Parliament of the Commonwealth with respect to matters referred to it by section two of this Act the Commonwealth should, so far as might be reasonably practicable, avail itself of the assistance of the States and their officers, authorities and instrumentalities, and, with the consent of the Governor in Council, of any authority constituted under a law of a State: Be it therefore enacted by the King's Most Excellent Majesty by and with the advice

advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled and by the authority of same as follows:—

1. This Act may be cited as the “Commonwealth ^{Short title.} Powers Act, 1942.”

2. The following matters are hereby referred to the Parliament of the Commonwealth, that is to say—

(a) the reinstatement and advancement of those who have been members of the fighting services of the Commonwealth during the war and the advancement of the dependants of those members who have died or been disabled as a consequence of the war;

(b) employment and unemployment;

(c) organised marketing of commodities;

(d) uniform company legislation;

(e) trusts, combines and monopolies;

(f) profiteering and prices (but not including prices or rates charged by State or semi-governmental or local governing bodies for goods or services);

(g) the production (other than primary production) and distribution of goods, and, with the consent of the Governor in Council, primary production, but so that no law made under this paragraph shall discriminate between States or parts of States;

(h) the control of overseas exchange and overseas investment; and the regulation of the raising of money in accordance with such plans as are approved by a majority of members of the Australian Loan Council;

(i) air transport;

(j) uniformity of railway gauges;

(k) national works, but so that the consent of the Governor in Council shall be obtained in each case before the work is undertaken and that the work shall be carried out in co-operation with the State;

(l) national health in co-operation with the State;

(m) family allowances; and

(n) the people of the aboriginal race.

3. (1) This Act shall not be repealed or amended except in the manner provided in this section.

(2) ^{Act not to be repealed or amended without approval of electors.}

No. 18, 1943.

(2) A Bill for repealing or amending this Act shall not be presented to the Governor for His Majesty's assent until the Bill has been approved by the electors in accordance with this section.

(3) On a day to be appointed by the Governor in Council, but not sooner than three months after the passage of the Bill through both Houses of the Legislature, the Bill shall be submitted to the electors qualified to vote for the election of members of the Legislative Assembly.

(4) When the Bill is submitted to the electors, the vote shall be taken in such manner as the Legislature provides.

(5) If a majority of the electors voting approve the Bill, it shall be presented to the Governor for His Majesty's assent.

4. This Act, and the reference made by this Act, shall commence on the date upon which it is assented to, and shall continue in force for a period ending at the expiration of five years after Australia ceases to be engaged in hostilities in the present war; and no law made by the Parliament of the Commonwealth with respect to matters referred to it by this Act shall continue to have any force or effect, by virtue of this Act or the reference made by this Act, after the expiration of that period.

Duration
of Act.