



Australian Constitutions Act 1842

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Queensland

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An Act for the government of New South Wales and Van Diemen's Land

51 Provision for constitution of new colonies

And whereas the said Colony of New South Wales is of great extent and it may be fit that the territories now comprised within the said Colony should be divided into separate colonies and provision should be made for the temporary administration of the government of any such newly erected colony as not being comprised within the limits hereinafter mentioned may not possess a sufficient population for the immediate establishment therein of the form of government hereinbefore provided.

Be it therefore enacted that anything hereinbefore contained to the contrary notwithstanding it shall be lawful for Her Majesty by letters patent to be from time to time issued under the Great Seal of the United Kingdom of Great Britain and Ireland to define as to Her Majesty shall seem meet the limits of the Colony of New South Wales and to erect into a separate colony or colonies any territories which now are or are reputed to be or hereafter may be comprised within the said Colony of New South Wales.

Provided always that no part of the territories lying southward of the twenty-sixth degree of south latitude in the said Colony of New South Wales shall by any such letters patent as aforesaid be detached from the said colony.

52 Form of government in any such new colony

And be it enacted that in case Her Majesty shall by any such letters patent as aforesaid establish any such new colony or colonies as aforesaid it shall be lawful for Her Majesty by any such letters patent to authorise any number of persons not less than 7 including the Governor or Lieutenant-Governor of any such new colony or colonies to constitute a Legislative Council or Legislative Councils for the same and that every such Legislative Council shall be composed of such persons as shall from time to time be named or designated by Her Majesty for that purpose and shall hold their places therein at Her Majesty's pleasure and that it shall be lawful for such Legislative Council to make and ordain all such ordinances as may be required for the peace order and good government of any such colony as aforesaid for which such Legislative Council may be so appointed and that in the making all such ordinances the said Legislative Council shall conform to and observe all such instructions as Her Majesty with the advice of Her Privy Council shall from time to time make for their guidance therein.

Provided always that no such instructions and that no such ordinances as aforesaid shall be repugnant to the law of England but consistent therewith so far as the circumstances of any such colony may admit.

Provided also that all such ordinances shall be subject to Her Majesty's confirmation or disallowance in such manner and according to such regulations as Her Majesty by any such instructions as aforesaid shall from time to time see fit to prescribe.

Provided also that all instructions which shall in pursuance hereof be made by Her Majesty with the advice of Her Privy Council and that all ordinances which shall be made in pursuance hereof by any such Legislative Council of any such newly erected colony as last aforesaid shall be laid before both Houses of Parliament within 1 calendar month from the date of any such instructions or from the arrival in this kingdom of the transcripts of any such ordinances if Parliament shall then be sitting or if not then within 1 calendar

month from the commencement of the next ensuing session of Parliament.

53 Repealing part and continuing other parts of 9 Geo 4 c 83 as continued by 6 and 7 Wm 4 c 46 7 Wm 4 and 1 Vic c 42 1 and 2 Vic c 50 2 and 3 Vic c 70 and by 3 and 4 Vic c 62

And whereas an Act was passed in the ninth year of the reign of His late Majesty King George the Fourth intituled '*An Act to provide for the administration of justice in New South Wales and Van Diemen's Land and for the more effectual government thereof and for other purposes relating thereto*' which Act was continued by 3 Acts passed successively in the seventh year of the reign of His late Majesty in the first and in the second years of the reign of Her Majesty and was afterwards continued with amendments by 2 Acts passed in the third and in the fourth years of the reign of Her Majesty and whereas so much of the said first-recited Act as relates to the constitution of a Council in New South Wales will be superseded by this Act.

Be it enacted that so much of the said Acts or any of them as relates to the constitution appointment and powers of a Council in New South Wales therein mentioned shall continue until the first writs shall issue for the election of members of the Legislative Council under this Act and from and after the issue of such writs shall be repealed and that subject to the provision hereinafter contained the other parts of the said recited Acts which but for the passing of this Act would expire at the end of this session of Parliament shall become permanent both with respect to the said Colony of New South Wales and the said Colony of Van Diemen's Land.

Provided always that nothing herein contained shall extend or be construed to extend to repeal or abrogate any law or ordinance made in pursuance of the said recited Acts or any of them but that every such law or ordinance shall hereafter be as valid and effectual as if every part of the said recited Acts had been hereby made permanent.

Provided also that it shall be lawful for the Governor and Legislative Council of the said colony in exercise of the

powers to them respectively granted by this present Act and in the manner and subject to the rules hereinbefore prescribed to repeal vary or alter all or any part of the said recited Acts or any of them or any law or ordinance made in pursuance thereof.