



Constitution Act Amendment Act 1934

Current as at 13 April 1934—revised version

Reprint note

This reprint has been reformatted to reflect current drafting styles.
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Queensland

Constitution Act Amendment Act 1934

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Constitution Act Amendment Act 1934

An Act to amend the Constitution of Queensland by providing that a Legislative Council (or other similar legislative body) shall not be restored, constituted, or established, and that the duration of the Legislative Assembly (as now by law provided) shall not be extended unless or until a referendum of the electors of the State shall so approve, in either case; and for other purposes

Preamble

WHEREAS, a Bill intituled The Constitution Act Amendment Bill of 1921 was, during the session of the Parliament holden in the year 1921, passed by the legislature, and which Bill was, pursuant to the provisions of the *Australian States Constitution Act 1907* reserved for the signification of His Majesty's pleasure.

And whereas the assent of His Majesty (whom God may long preserve!) to the said Bill was proclaimed on the 12th year of His Majesty's reign on 23 March 1922, and on the Bill becoming an Act by virtue of such assent, such Act was intituled the *Constitution Act Amendment Act 1922*, and was numbered No. 32 of such 12th year of His Majesty's reign, and which Act is and forms part of the Constitution of Queensland.

And whereas, pursuant to such Act, the Legislative Council was abolished.

And whereas the Parliament of Queensland (or, as sometimes called, the Legislature of Queensland), has since the year 1922 been constituted by His Majesty the King and the Legislative Assembly in Parliament assembled, and is so presently constituted.

And whereas it is desirable that no other legislative body (whether called the 'Legislative Council,' or by any other name or designation, in addition to the Legislative Assembly) should be

restored, or constituted, or established, except subject to the provisions hereinafter set forth.

And whereas, pursuant to an Act of the Parliament called the *Constitution Act Amendment Act 1890* (which was passed in the 54th year of the reign of Her late Majesty Queen Victoria and numbered No. 3), it is provided that every Legislative Assembly hereafter (i.e., after 29 September 1890—being the date of the assent of such Act), to be summoned and chosen shall continue for 3 years from the day appointed for the return of the writs for choosing the same, and no longer (subject, nevertheless, to be sooner dissolved by the Governor), and which Act is and forms part of the Constitution of Queensland.

And whereas it is also desirable that the provisions of the *Constitution Act Amendment Act 1890*, hereinbefore referred to, or any other Act or law of the Constitution, shall not be amended in the direction of extending the said period of time—namely, 3 years—for the duration of the present Legislative Assembly or any Legislative Assembly to be hereafter summoned and chosen, except subject to the provisions hereinafter set forth.

1 Short title and construction

This Act may be cited as the *Constitution Act Amendment Act 1934*, and shall be read and construed with and as an amendment of the Constitution of Queensland.

2 Interpretation—Constitution of Queensland

In this Act—

Constitution of Queensland means and includes the order in council of Her late Majesty Queen Victoria dated 6 June 1859, referred to in the preamble to the *Constitution Act 1867* and the *Constitution Act 1867*, and each and every Act amending, altering, or repealing or purporting to amend, alter, or repeal any of the provisions of the abovementioned order in council and Act, or either of them.

3 Parliament not to be altered in the direction of re-establishing the Legislative Council or other body except in accordance with this section

- (1) The Parliament of Queensland (or, as sometimes called, the Legislature of Queensland), constituted by His Majesty the King and the Legislative Assembly of Queensland in Parliament assembled shall not be altered in the direction of providing for the restoration and/or constitution and/or establishment of another legislative body (whether called the *Legislative Council*, or by any other name or designation, in addition to the Legislative Assembly) except in the manner provided in this section.
- (2) A Bill for any purpose within subsection one of this section shall not be presented to the Governor for the reservation thereof for the signification of His Majesty's pleasure, or for the Governor's Assent, or be in any other way assented to, until the Bill has been approved by the electors in accordance with this section.
- (3) On a day not sooner than two months after the passage of the Bill through the Legislative Assembly, 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 Acts, 1915 to 1932*," or any Act amending the same or in substitution therefor.

Such day shall be appointed by the Governor in Council.

- (4) When the Bill is submitted to the electors the vote shall be taken in such manner as the Legislature prescribes.
- (5) If a majority of the electors voting approve the Bill, it shall be presented to the Governor for the reservation thereof for the signification of His Majesty's pleasure.
- (6) The provisions of this section shall extend to any Bill for the repeal or amendment of this section.

4 Duration of Legislative Assembly not to be extended except in accordance with this section

- (1) The provisions of section two of “*The Constitution Act Amendment Act of 1890*” (referred to in the preamble to this Act) shall not be amended in the direction of extending the period of three years, which, as provided by the said section two, is the period for which any Legislative Assembly, now or hereafter summoned and chosen, shall continue from the day appointed for the return of the writs for choosing the same and no longer (subject, nevertheless, to be sooner dissolved by the Governor), nor shall any other Act or law relating to the Constitution be passed extending such period of three years as aforesaid, except in the manner provided by this section.
- (2) A Bill for any purpose within subsection (1) of this section shall not be presented to the Governor for the reservation thereof for the signification of His Majesty’s pleasure, or for the Governor’s Assent, or be in any other way assented to, until the Bill has been approved by the electors in accordance with this section.
- (3) On a day not sooner than two months after the passage of the Bill through the Legislative Assembly, 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 Acts, 1915 to 1932,*” or any Act amending the same or in substitution therefor.

Such day shall be appointed by the Governor in Council.

- (4) When the Bill is submitted to the electors the vote shall be taken in such manner as the Legislature prescribes.
- (5) If a majority of the electors voting approve the Bill, it shall be presented to the Governor for the reservation thereof for the signification of His Majesty’s pleasure.
- (6) The provisions of this section shall extend to any Bill for the repeal or amendment of this section.

1 Index to endnotes

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2 Key

Key to abbreviations in list of legislation and annotations

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	(prev)	= previously
amd	= amended	proc	= proclamation
amd	= amendment	prov	= provision
t			
ch	= chapter	pt	= part
def	= definition	pubd	= published
div	= division	R[X]	= Reprint No. [X]
exp	= expires/expired	RA	= Reprints Act 1992
gaz	= gazette	reloc	= relocated
hdg	= heading	renu	= renumbered
		m	
ins	= inserted	rep	= repealed
lap	= lapsed	(retro	= retrospectively
)	
notf	= notified	rv	= revised version
d			
num	= numbered	s	= section
o in	= order in council	sch	= schedule
c			

Key	Explanation	Key	Explanation
om	= omitted	sdiv	= subdivision
orig	= original	SIA	= Statutory Instruments Act 1992
p	= page	SIR	= Statutory Instruments Regulation 2012
para	= paragraph	SL	= subordinate legislation
prec	= preceding	sub	= substituted
pres	= present	unnu	= unnumbered
		m	
prev	= previous		

3 Table of reprints

A new reprint of the legislation is prepared by the Office of the Queensland Parliamentary Counsel each time a change to the legislation takes effect.

The notes column for this reprint gives details of any discretionary editorial powers under the **Reprints Act 1992** used by the Office of the Queensland Parliamentary Counsel in preparing it. Section 5(c) and (d) of the Act are not mentioned as they contain mandatory requirements that all amendments be included and all necessary consequential amendments be incorporated, whether of punctuation, numbering or another kind. Further details of the use of any discretionary editorial power noted in the table can be obtained by contacting the Office of the Queensland Parliamentary Counsel by telephone on 3003 9601 or email legislation.queries@oqpc.qld.gov.au.

From 29 January 2013, all Queensland reprints are dated and authorised by the Parliamentary Counsel. The previous numbering system and distinctions between printed and electronic reprints is not continued with the relevant details for historical reprints included in this table..

Reprint No.	Amendments to	Effective	Reprint date
1	none	13 April 1934	16 February 1996
2	none	13 April 1934	7 June 1996

Current as at	Amendments included	Notes
7 June 1996 rv	none	RA s 35

4 List of legislation

Constitution Act Amendment Act 1934 24 Geo 5 No. 35
date of assent 13 April 1934
commenced on date of assent

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