

**THE
AUSTRALIAN CONSTITUTIONS ACT, 1842**

5 & 6 Vic. c. 76 (Imperial)

Amended by

Australian Constitutions Act, 1850, 13 & 14 Vic. c. 59

New South Wales Constitution Act, 1855, 18 & 19 Vic. c. 54

Municipalities Act of 1858, 22 Vic. No. 13 (Repealed)

Statute Law Revision Act, 1875, 38 & 39 Vic. c. 66

Australian States Constitution Act, 1907, 7 Edw. 7, c. 7

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

[30 July 1842]

The short title was given to this Act by the Short Titles Act, 1896, 59 & 60 Vic. c. 14 (Imperial).

This Act is repealed by the New South Wales Constitution Act, 1855, s. 2, the Victorian Constitution Act, 1855, (c. 55), s. 2, and the Western Australia Constitution Act, 1890 (c. 26), s. 2, as to so much and such parts as are repugnant to the Bills scheduled to those Acts.

1-30. (Repealed by the New South Wales Constitution Act, 1855, see p. 774 *post*.)

31. Governor may give or withhold assent to Bills, etc. Every Bill which has been passed by the said Council, and also every law proposed by the governor which shall have been passed by the said council, whether with or without amendments, shall be presented for her Majesty's assent to the governor of the said colony, and the governor shall declare according to his discretion, but subject nevertheless to the provisions contained in this Act, and to such instructions as may from time to time be given in that behalf by her Majesty, that he assents to such Bill in her Majesty's name, or that he withholds her Majesty's assent, or that he reserves such Bill for the signification of her Majesty's pleasure thereon.

Section amended by the Australian States Constitution Act, 1907, s. 1 (4).

This section and ss. 32, 33, 40, are applied to bills of the legislature of Queensland by the Constitution Act of 1867, s. 13, p. 737 *post*, and by c. 14 of the Order in Council of 6 June 1859, p. 804 *post*. See further the Australian States Constitution Act, 1907 (Imperial), p. 703 *post*; Royal Instructions to the Governor, dated 10 June 1925, c. 7, p. 812 *post*; Colonial Acts Confirmation Acts, 1894 and 1901 (Imperial), pp. 722 and 723 *post*.

32. Disallowance by the Crown of Bills assented to by Governor. Whenever any Bill, which shall have been presented for her Majesty's assent to the governor of the said colony, shall by such governor have been assented to in her Majesty's name, the governor shall by the first convenient opportunity transmit to one of her Majesty's principal secretaries of state an authentic copy of such Bill so assented to; and it shall be lawful, at any time within two years after such Bill shall have been so received by the secretary of state, for her Majesty, by order in council, to declare her disallowance of such Bill; and such disallowance, together with a certificate under the hand and seal of the secretary of state, certifying the day on which such Bill was received as aforesaid, being signified by the governor to the legislative council of the said colony, by speech or

message to the said council, or by proclamation in the New South Wales government gazette, shall make void and annul the same from and after the day of such signification.

See note to s. 31.

33. Assent to Bills reserved. No Bill which shall be so reserved for the signification of her Majesty's pleasure thereon shall have any force or authority within the colony of New South Wales until the governor of the said colony shall signify, either by speech or message to the legislative council of the said colony, or by proclamation, as aforesaid, that such Bill has been laid before her Majesty in council, and that her Majesty has been pleased to assent to the same; and an entry shall be made in the journals of the said legislative council of every such speech, message, or proclamation, and a duplicate thereof, duly attested, shall be delivered to the registrar of the supreme court, or other proper officer, to be kept among the records of the said colony; and no Bill which shall be so reserved as aforesaid shall have any force or authority in the said colony unless her Majesty's assent thereto shall have been so signified as aforesaid within the space of two years from the day on which such Bill shall have been presented for her Majesty's assent to the governor as aforesaid.

See note to s. 31.

34-36. (Repealed as to New South Wales and Queensland by the New South Wales Constitution Act, 1855, see p. 774 *post*.)

37-39. (Repealed by the Australian Constitution Act, 1850, 13 & 14 Vic. c. 59, p. 687 *post*.)

40. Governor to conform to instructions. It shall be lawful for her Majesty, with the advice of her privy council, or under her Majesty's signet and sign manual, or through one of her principal secretaries of state, from time to time to convey to the governor of the said colony of New South Wales such instructions as to her Majesty shall seem meet, for the guidance of such governor, for the exercise of the powers hereby vested in him of assenting to or dissenting from or for reserving for the signification of her Majesty's pleasure Bills to be passed by the said council; and it shall be the duty of such governor to act in obedience to such instructions.

See note to s. 31.

41-50. (Repealed as to New South Wales and Queensland by the Municipalities Act of 1858, 22 Vic. No. 13, s. 93 (now itself repealed).)

51. Not printed.

52. Not printed.

53. Not printed.

Section 51 (dealing with the constitution of new colonies), s. 52 (dealing with the form of government in any such new colony) and s. 53 (recited Acts repealed in part and made permanent in part) are of historical interest only and have therefore not been reprinted.

54. Interpretation of "governor". By the word "governor," as employed in this Act, shall be understood the person for the time being lawfully administering the government of the said colony of New South Wales.

55. (Repealed by the Statute Law Revision Act, 1875, 38 & 39 Vic. c. 66.)

56. (Repealed by the Statute Law Revision Act, 1875, 38 & 39 Vic. c. 66.)

SCHEDULE

Repealed by the Australian Constitutions Act, 1850, 13 & 14 Vic. c. 59, s. 16, p. 687 *post*.