

The Federal Council (Adopting) Act, 1885

WESTERN AUSTRALIA

ANNO QUADRAGESIMO NONO

VICTORIÆ REGINÆ

No. 24

An Act to bring into operation, in respect of the Colony of Western Australia, an Act of the Imperial Parliament, entitled 'An Act to constitute a Federal Council of Australasia.' [*Assented to 24th September, 1885.*]

Preamble

WHEREAS by an Act of the Parliament of the United Kingdom of Great Britain and Ireland, passed in the forty-ninth year of Her Majesty's reign, and entitled 'An Act to constitute a Federal Council of Australasia,' it is enacted that there shall be in and for Her Majesty's possessions in Australasia a Federal Council, constituted as by the said Act is provided, and called 'The Federal Council of Australasia,' which shall have the functions, powers, and authority by the said Act defined; And by the said Act it is further enacted that each of the Australasian Colonies shall be represented in the said Federal Council by two members, except in the case of Crown Colonies, which shall be represented by one member each; but that Her Majesty, at the request of the Legislatures of the colonies, may by Order in Council from time to time increase the number of representatives for each colony; And by the said Act it is further enacted that the Legislature of any colony may make such provision as it thinks fit for the appointment of the representatives of that colony, and for determining the tenure of their office; And by the said Act it is further enacted that the said Act shall not come into operation in respect of any colony until the Legislature of such colony shall have passed an Act or Ordinance declaring that the same shall be in force therein, and appointing a day on and from which such operation shall take effect, nor until four colonies at the least shall have passed such Act or Ordinance; And whereas it is desirable that the said Act should come into operation in respect of the Colony of Western Australia, and that provision should be made for the appointment of a representative of the said colony in the said Federal Council: Be it therefore enacted by His Excellency the Governor of Western Australia and its Dependencies, by and with the advice and consent of the Legislative Council thereof, as follows:—

Federal Council Act to be in force in Western Australia from 1st December, 1885, or afterwards on adoption by three other colonies

1. In pursuance of the powers contained in the said recited Act of the Imperial Parliament it is hereby declared and enacted that the said Act shall come into operation and be in force in Western Australia on and from the first day of December, one thousand eight hundred and eighty-five, if at that date the said Act is in force in at least three other of the Australasian Colonies. If at that date the said Act is not in force in at least three other of the Australasian Colonies, then it shall come into operation and be in force in Western Australia so soon after

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the first day of December, one thousand eight hundred and eighty-five, as it shall also be in force in at least three other of the said colonies.

Subject to the provisions hereinbefore contained, if under the provisions of any Act or Ordinance of any colony the coming of the said Act into operation in such colony is made contingent upon the said Act being in force in Western Australia, then the said Act shall come into operation and be in force in Western Australia when and so soon as its coming into operation and being in force in Western Australia would bring it into operation in such colony.

The coming of the said Act into operation in Western Australia shall be notified by the Governor by Proclamation.

2 The representative of the Colony of Western Australia in the Federal Council shall be appointed by the Governor, by Commission, under the hand of the Governor and the Seal of the Colony, and shall hold office during pleasure.

Representative
to be appointed
by Commission
under the Seal
of the Colony

3. Any such representative may resign his office by a letter addressed to the Governor, and upon the receipt of such letter by the Governor the office shall become vacant.

Resignation of
office

4. If any such representative fails for a whole Session of the Federal Council to give his attendance in the Council, without the leave of the Governor, signified by the Governor to the Federal Council, or becomes bankrupt or insolvent or takes the benefit of any Act for the relief of insolvent debtors, or becomes a public contractor with the Government of any of the Australasian Colonies in respect of which the said Act is in operation, or is attainted of treason or convicted of felony or any infamous crime, he shall be removed from his office.

Vacation of
office

5. Every appointment, removal, and resignation of a representative shall be notified by the Governor to the Legislative Council by message as soon as possible after such appointment, removal or resignation takes place, and shall also be publicly notified in the 'Government Gazette.'

Appointments
and vacancies to
be notified to
Legislature by
message

6. Every such representative shall be entitled to be paid from the public funds all reasonable expenses approved by the Governor incurred by him in and about his attendance at the Federal Council or any Committee thereof.

Representative
to receive
expenses of
attendance

Provided that the office of a representative of Western Australia in the Federal Council shall not be deemed to be an office of emolument or of profit under the Crown, within the meaning of any Act of the Parliament of the United Kingdom of Great Britain and Ireland or of the Legislative Council of the Colony in that behalf.

Proviso

7. The appointment and tenure of office of any additional representative or representatives of the Colony of Western Australia, who may hereafter be added to the Federal Council, shall be regulated by this Act.

Additional re-
presentation

8. This Act may be cited as 'The Federal Council (Adopting) Act, 1885.'

Short title

F. NAPIER BROOME,
GOVERNOR.