

Western Australia

Australia Acts (Request) Act 1999

(No. 27 of 1999)

CONTENTS

| | | |
|---|---|---|
| 1 . | Short title | 3 |
| 2 . | Commencement | 3 |
| 3 . | Request for amendment of Australia Acts of 1986 | 3 |
| Schedule — Requested Commonwealth Act | | |
| 1 . | Short title | 4 |
| 2 . | Commencement | 4 |
| 3 . | Schedules | 4 |
| Schedule 1 — <i>Australia Act 1986</i> of the Commonwealth | | 5 |
| Schedule 2 — <i>Australia Act 1986</i> of the Parliament of the United Kingdom | | 5 |



Western Australia

Australia Acts (Request) Act 1999

No. 27 of 1999

An Act to request the amendment of the Australia Acts of 1986 in connection with proposed constitutional arrangements to establish the Commonwealth of Australia as a republic.

[Assented to 2 July 1999]

Reasons for enacting this Act

1. The Government of the Commonwealth proposes to introduce a Bill for a proposed law to alter the Constitution of the Commonwealth to establish the Commonwealth of Australia as a republic with a President chosen by a two-thirds majority of the members of the Commonwealth Parliament.
2. If passed by an absolute majority of each House of the Parliament, the proposed law will be put to the Australian people at a constitutional referendum in accordance with section 128 of the Constitution of the Commonwealth.

3. If the proposed law is approved by the Australian people, it is desirable that the *Australia Act 1986* of the Commonwealth and the *Australia Act 1986* of the Parliament of the United Kingdom be amended to remove any impediment to the alteration by a State of its laws relating to the powers and functions of Her Majesty and the Governor in respect of the State.
4. Section 15(1) of each of the Australia Acts provides for the amendment of each of those Acts by an Act of the Parliament of the Commonwealth passed at the request or with the concurrence of the Parliaments of all the States and, subject to section 15(3) of each of those Acts, only in that manner.

The Parliament of Western Australia enacts as follows:

1. Short title

This Act may be cited as the *Australia Acts (Request) Act 1999*.

2. Commencement

This Act comes into operation on the day after the day on which the *Constitution Alteration (Establishment of Republic) 1999* of the Commonwealth receives the Royal Assent.

3. Request for amendment of Australia Acts of 1986

The Parliament of the State requests the enactment by the Parliament of the Commonwealth of an Act in, or substantially in, the terms set out in the Schedule.

Schedule — Requested Commonwealth Act

[s. 3]

An Act to amend section 7 of the *Australia Act 1986* of the Commonwealth and section 7 of the *Australia Act 1986* of the Parliament of the United Kingdom.

The Parliament of Australia enacts:

1. Short title

This Act may be cited as the *Australia Acts Amendment Act 1999*.

2. Commencement

- (1) This Act commences on a day to be fixed by Proclamation.
- (2) That day must not be before the day on which the *Constitution Alteration (Establishment of Republic) 1999* receives the Royal Assent.

3. Schedules

Each Act that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

Schedule 1 — *Australia Act 1986 of the Commonwealth*

1. At the end of section 7

Add:

- (6) The Parliament of a State may make a law providing that the preceding sub-sections do not apply to the State.
- (7) Upon the coming into effect in a State of a law referred to in sub-section (6), this section ceases to apply to the State as provided by that law.

Schedule 2 — *Australia Act 1986 of the Parliament of the United Kingdom*

1. Amendment of Imperial Act

The *Australia Act 1986* of the Parliament of the United Kingdom is amended as set out in this Schedule, so far as that Act is part of the law of Australia or of an external Territory.

2. At the end of section 7

Add:

- (6) The Parliament of a State may make a law providing that the preceding sub-sections do not apply to the State.
- (7) Upon the coming into effect in a State of a law referred to in sub-section (6), this section ceases to apply to the State as provided by that law.

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