

COMMONWEALTH OF AUSTRALIA

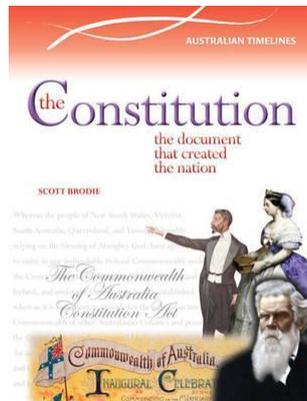
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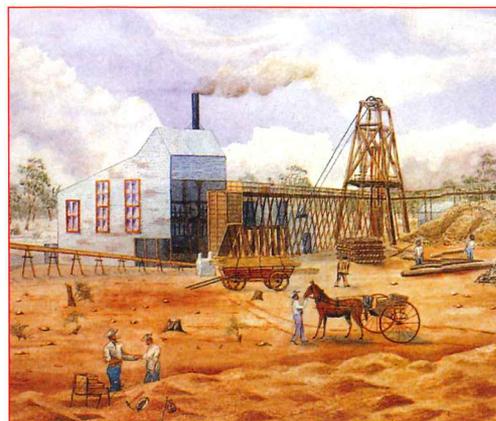


Brodie, S. (2011). *The Constitution: the document that created the nation*. Sydney: Trocadero.

Unable to gain any concessions from Chamberlain, the government in Perth bowed to the inevitable and staged its referendum on 31 July 1900. The result was a resounding 'yes', heavily influenced by the population of the goldfields. And so Western Australia was included on 17 September when the Commonwealth was proclaimed.

The Commonwealth is born

THE Commonwealth of Australia finally came into being on 1 January 1901, a new federation for a new century. The day was marked by elaborate celebrations across the country. In Sydney the new Governor-General, John Adrian Louis Hope, Seventh Earl of Hopetoun, stepped ashore at Farm Cove and travelled along packed streets to Centennial Park. There, in a specially built (but temporary, plaster of Paris) rotunda, he swore in the caretaker government led by Edmund Barton in front of hundreds of thousands of people. Today the site is marked by the Federation Rotunda.



A gold mine at Coolgardie. Pressure from this region forced Western Australia to join the Federation.

About the Constitution

THE Constitution of the Commonwealth of Australia was framed within the British Westminster system, with influences from the American Congressional and legal systems as well as the Canadian and Swiss federations. The most obvious American examples were the structure and method for electing the Senate, and the names of the two Houses of Parliament. The former colonies became states, as they were in the United States, rather than provinces as in Canada. The High Court of Australia took most of its inspiration from the US Supreme Court.

The Commonwealth was responsible for all matters except external relations. Australia's diplomatic interests were usually considered to be the same as Britain's, so British embassies also functioned as Australian embassies.

The Commonwealth of Australia was headed by the monarch, represented by a Governor-General chosen by the British Parliament. The Governor-General also represented the British government. The parliament comprised two houses (a bicameral legislature). The lower house was the House of Representatives, the upper house the Senate. The House of Representatives was modelled largely on the British House of Commons. The Senate, however, was modelled on that of the USA.

The House of Representatives comprised members representing specific geographic areas called electorates. All electorates, no matter where they were, contained equal numbers of voters. Because it had the largest population, New South Wales had the most electorates. Thinly populated states such as Tasmania and Western Australia had the least. No state had fewer than five electorates.

The Senate counterbalanced the dominance of larger states in the House of Representatives. It comprised six Senators from each state, regardless of the state's population. Electors in a state voted in a single electorate for their Senators, who



A New South Wales Government invitation to the Federation celebrations at Centennial Park, Sydney, on 1 January 1901

A Federation Arch in Queen Street, Brisbane, in 1901





The Federation Rotunda on the site where the Commonwealth of Australia came into being on 1 January 1901



The High Court of Australia building in Canberra

represented and safeguarded the interests of their state as a whole. The original six Senators for each state has now been increased to twelve. This is because the Constitution requires there to be half the number of Senators as there are Members of the House of Representatives. As the population grew, the number of Members grew and so the Senate had to be expanded.

The new Commonwealth was a Dominion of the British Empire on an equal footing with Canada, which had federated in 1867. A Dominion was, in effect, a better class of colony. Although largely autonomous and self-governing, it was still dominated by the British Parliament. The Commonwealth Parliament could pass laws for the Australian people; however, the British Parliament could override it. It could, at any time it wanted, amend the Australian Constitution. The power was never used.

The High Court

TO interpret and rule on the validity of sections of the Constitution, the High Court was created as Australia's supreme legal body. The original High Court of Australia had three judges, later expanded to five, then seven. Although operating under the British common law system, the High Court's structure was modelled on the American Supreme Court.

The first Chief Justice was Samuel Griffith, barrister and former Premier of Queensland. Appointment of former politicians as Justices happened from time to time, including former Prime Minister Edmund Barton and former Menzies government minister Garfield Barwick. The last political appointment was Lionel Murphy in 1975.

Changing the Constitution

WHILE the Constitution was the basis of the

Commonwealth's existence, those who drew it up could not foresee future developments. In the 1890s there was no mass use of motor cars, travel by aircraft, television or computers. A method of changing the Constitution was required, without making it easy for governments to tamper with it for political reasons.

Using a Swiss model, the Constitution specified a referendum to enable changes to be made. The government would pass legislation for proposed changes, then submit them to the people to vote for or against. For a referendum to be successful, more than 50 per cent of all Australian voters must say 'yes'. As this could be achieved with just New South Wales and Victoria, a further qualification was needed. To protect smaller states' interests, it is also necessary for at least 50 per cent of voters in at least four states to say 'yes'. This have been successful.

British Dominions

The self-governing Dominions of Great Britain at the time of the Statute of Westminster:

- Canada
- Australia
- South Africa
- Irish Free State
- New Zealand
- Newfoundland.