

**Constitution Act 1900.**

**Covering Clause 9.**

## **The Constitution of the Commonwealth of Australia.**

### **SECTION 57**

**Section 57; Disagreement between the Houses.**

**If the House of Representatives passes any proposed law, and the Senate rejects or fails to pass it, or passes it with amendments to which the House of Representatives will not agree, and if after an interval of three months the House of Representatives, in the same or the next session, again passes the proposed law with or without any amendments which have been made, suggested, or agreed to by the Senate, and the Senate rejects or fails to pass it, or passes it with amendments to which the House of Representatives will not agree, the Governor-General may dissolve the Senate and the House of Representatives simultaneously. But such dissolution shall not take place within six months before the date of the expiry of the House of Representatives by effluxion of time.**

**If after such dissolution the House of Representatives again passes the proposed law, with or without any amendments which have been made, suggested, or agreed to by the Senate, and the Senate rejects or fails to pass it, or passes it with amendments to which the House of Representatives will not agree, the Governor-General may convene a joint sitting of the members of the Senate and of the House of Representatives.**

**The members present at the joint sitting may deliberate and shall vote together upon the proposed law as last proposed by the House of Representatives, and upon amendments, if any, which have been made therein by one House and not agreed to by the other, and any such amendments which are affirmed by an absolute majority of the total number of the members of the Senate and House of Representatives shall be taken to have been carried, and if the proposed law, with the amendments, if any, so carried is affirmed by an absolute majority of the total number of the members of the Senate and House of Representatives, it shall be taken to have been duly passed by both Houses of the Parliament, and shall be presented to the Governor-General for the Queen's assent.**

## **The Annotated Constitution make the following comments;**

### **Disagreement Between the Houses.**

Page 684.

The first stage is the rejection or failure by the Senate to pass a bill proposed by the House of Representatives; then succeeds an interval of three months for consideration and possible compromise; next, if there is no amicable settlement, the House again passes the bill, with or without amendments; if the Senate rejects, or fails to pass it a second time, the Governor-General may dissolve both Houses simultaneously; if, after the double dissolution, the House of Representatives again passes the proposed law, and the Senate rejects it for the third time, the Governor-General may convene a joint sitting of the whole of the members of the Senate and of the House of Representatives. At this joint sitting the members present may deliberate and vote together upon the proposed law, and upon amendments previously proposed thereto.

### **And the Senate Rejects.**

Page 685.

The next step in the history of a possible deadlock is that the Senate rejects or fails to pass the proposed law, or passes it with amendments to which the House of Representatives will not agree.

### **An Interval of Three Months.**

After the failure of the proposed law to receive the concurrence of both Houses, an interval of three months must be allowed to elapse before any further action can be taken under this section. The interval may be longer than three months, but it cannot extend beyond the next session of the Federal Parliament.

### **If the House of Representatives Again Passes.**

After the interval of three months the House of Representatives may again pass a proposed law, with or without any amendments which have been made by the Senate, or amendments suggested by the Senate, or amendments made in the House and agreed to by the Senate. It must not be a new bill, but the original bill modified only by amendments made, suggested or agreed to by the Senate.

### **The Governor-General may Dissolve.**

Upon the concurrence of all these conditions precedent the Constitution enables the Governor-General to dissolve the Senate and the House of Representatives simultaneously. This power would be exercised by him, as the Queen's representative, in the same manner as other prerogatives of the Crown; viz., according to the advice of Ministers who have the confidence of Parliament.

## **Such Dissolution shall not Take Place.**

Page 686.

There is one restriction on the power of the Crown to grant a double dissolution. It may not take place within six months before the date of the expiry of the House of Representatives by effluxion of time.

## **A Joint Sitting.**

The joint sitting is not a new machine in Parliamentary government. After the re-assembling of Parliament the House of Representatives, if disposed to carry on the campaign in favour of the proposed law, is entitled to again pass it with or without amendments which have been made, suggested or agreed to by the Senate, in the last session of the dissolved Parliament. It is again sent to the Senate, which is again, and for the third time, invited to pass it, or to pass it with amendments agreeable to the House of Representatives. If the Senate rejects the bill or fails to pass it with amendments to which the House of Representatives will agree, the Governor-General, acting according to the advice of his responsible ministers, may convene a joint sitting of the members of the Senate and of the House of Representatives.

Any such amendments which are affirmed by an absolute majority of the total number of the members of both Houses will be taken to be carried; and the Bill itself, with any amendments so carried, must be voted upon, and if affirmed by a similar "absolute majority" of members it will be presented for the Royal assent just as if it had been passed by both Houses separately.

THE ABSOLUTE MAJORITY.—Under the clause as adopted by the Convention, the proposed law and any amendments had to be carried, not by a simple majority, as in the case of business done in the Houses sitting separately, but by **three-fifths** of the members present and voting

If an uncompromising attitude on the part of both Houses leads to a double dissolution, the Senate may be reconstituted with added, and not diminished, authority.