



COMMONWEALTH OF AUSTRALIA CONSTITUTION ACT 1901

Chapter V—The States

109—Inconsistency of laws
When a law of a State
is inconsistent with a law of the Commonwealth,
the latter shall prevail,
and the former shall, to the extent of the inconsistency, be invalid.

Chapter I—The Parliament

Part V—Powers of the Parliament

51—Legislative powers of the Parliament

The Parliament shall, subject to this Constitution,
have power to make laws
for the peace, order, and good government of the Commonwealth
with respect to:
(xxxi) the **acquisition of property**
on **just terms**
from any State or person
for any **purpose in respect of which**
the Parliament has power to make laws;

ANNOTATED CONSTITUTION OF THE AUSTRALIAN COMMONWEALTH Quick and Garran

§ 218 "Purpose in Respect of Which"

" The second limit to the power of the Commonwealth
to **acquire** private or provincial **property**
is that it must **only** take it
for **purposes in respect of which** the Parliament has power to make laws.
Thus lands and buildings could only be taken
for postal, telegraphic, telephonic, naval and military purposes;
for arsenals and fortifications; light-houses; quarantine stations;
customs houses; federal offices and federal law courts;
and other **purposes** similarly **authorized by the Constitution.** "

§ 161. Peace, Order, and Good Government.

The powers were powers of legislation
for the peace, order, and good government of the Commonwealth
in respect of the matters specified.
No construction in the world could confer any powers
beyond the ambit of those specified.