II. Commonwealth.

Introductory.

The 24th Parliament[1] of the Commonwealth met for the first period of its first session on 24th February and adjourned on 17th May until 7th August 1962; it then sat for the second period of the first session until 7th December. The size of the legislative harvest was much the same as usual; it is not for a reviewer to suggest how much was grain and how much chaff. The 1962 table of legislation contains the "hardy annuals", particularly in regard to fiscal matters; rarely does a year pass without a large number of amendments (in regard to customs and excise, sales tax, income tax, etc.) of which few, however, are of any great significance. In the income tax field there is the usual evidence of skirmishes between the taxpayer and the taxgatherer (particularly where the former has been reinforced by some member of the growing army of "tax experts"). Though the industrial front could hardly be said to have been preternaturally peaceful, it was only the stevedoring industry that was singled out for special legislative attention in 1962. On the other hand, primary production again evoked legislative activity; in this sphere eighteen Acts were passed, a total only excluded by the fiscal group.

I. CONSTITUTIONAL.

Commonwealth Electoral Act.

Until 1949 aboriginal natives of Australia, though natural-born British subjects, were virtually debarred from becoming federal electors. In that year an amendment to the Commonwealth Electoral Act[2] grudgingly recognised that in some States aboriginal natives were then entitled to vote at state elections, and that some natives

1 This proved, as the result of the elections held early in December 1961, to be very different from its predecessor, at least in regard to the composition of the House of Representatives. The sixth Menzies government, which in the 23rd Parliament had a majority in that House of 32, faced the electors with considerable confidence—fortified by widespread predictions that though the government might lose some seats because of its restrictive credit policy earlier in the year, it would nevertheless be returned with a substantial margin over its opponents. It may be surmised that both sides of the House were surprised when the final results became known: Government supporters 62, Labour 60. After providing a Speaker from its own ranks the government thus had a precarious majority of *one* in the House of Representatives; life promised to be difficult when the leader of the Opposition stated that no pairs would be granted—but he soon found it impossible to carry out his threat.

had served in the armed forces in the 1939-1945 war; it conceded the federal franchise to both groups. This was not a very substantial concession, since the vast majority of aboriginal natives lived in Queensland, Western Australia, and the Northern Territory, where voting rights were either completely withheld or were granted very sparingly (as in Western Australia, but only to those natives who had applied for and had been granted a "certificate of citizenship"[3]). During the currency of the 1958-1961 Parliament the government set up a committee, comprising members from both sides of the House of Representatives, to consider and report on the question of the extension of the franchise to aboriginal natives; most of the recommendations of this committee are incorporated in the 1962 amendment to the Commonwealth Electoral Act.[4] The new Act repeals the restrictive provision of the 1949 Act, so that all aboriginal natives, of both sexes, who are not under any of the disabilities which disqualify any citizen regardless of his colour or racial origin, can now become electors. But whereas other citizens, if qualified, *must* register as electors, the aboriginal native can please himself whether he does so or not; but if he does enrol, he then becomes subject to the same duty as any other elector[5] to record his vote at each election. The new Act makes it an offence for any person to interfere with the free choice of an aboriginal native to enrol or to refrain from doing so; any form of inducement or threat becomes an offence under sections 4-7.

II. JUDICIAL AND ADMINISTRATIVE.

Airlines.

As predicted in 1961,[6] charges for the air navigation services provided by the Commonwealth were increased by the Air Navigation (Charges) Act, No. 78 of 1962. For the major airlines, both domestic and international, the increase was 10%; but for private flying, aerial work (mainly in connection with agriculture), and charter operations the increase is much more substantial. Though activities in the last three categories have become much more extensive they have been let off very lightly in the matter of air navigation charges; but even

2 No. 10 of 1949.

3 Under the Natives (Citizenship Rights) Act of Western Australia, No. 23 of 1944.

4 No. 31 of 1962. For the Minister's statement of the activities of this committee and of its major recommendations, see (1962) 34 COMMONWEALTH PARL. DEB. (H. of R.) 861-863.

5 Voting at federal elections was first made compulsory in 1924, by Act No. 10 of that year.

6 See (1960-62) 5 U. WEST. AUST. L. REV. 671-673.

on the new scale a private aircraft, for example, will pay much less than the annual registration fee payable by the owner of a luxury motor car of comparable cost.

The Opposition raised no objections to the new scale of charges, but in speaking to the second reading its Deputy Leader could not forbear from repeating allegations previously made by members of his party that the government, both in legislation and in policy, has always shown a marked preference for Ansett-A.N.A. (a private airline) and a veiled hostility towards Trans Australia Airlines which is owned and operated by a statutory body, the Australian National Airlines Commission, and is Ansett-A.N.A.'s only serious competitor.[7]

The Civil Aviation (Carriers' Liability) Act, No. 38 of 1962, amends an Act of like title passed in 1959 and has for its object the incorporation in the principal Act of the alterations to the Warsaw Convention made at the Guadalajara Conference. As explained by the Minister, the Hon. A. G. Townley,[8] the major provision of the new convention (which is incorporated in the Act as its Third Schedule) imposes liability for safe carriage both upon the original contractor and upon any subcontractor who carries out any part of the original contract. So far as Australia is concerned, the new liability attaches only to contracts for international carriage, not to interstate flying within Australia; an attempt by the Opposition to amend the Bill in the House of Representatives by making interstate operators absolutely liable for negligence, and imposing upon them the obligations of the Hague Protocol in regard to the safe carriage of goods and baggage, was lost by 4 votes.

The Australian Universities.

The Australian Universities Commission, created in 1959, consisted of a chairman and not more than four other members. The purpose of the Australian Universities Commission Act, No. 28 of 1962, is to authorize the appointment of two additional members—one of whom, according to the Prime Minister,[9] should be a person

[7] See (1962) 36 COMMONWEALTH PARL. DEB. (H. of R.) 3158-3160 for comments of Mr. E. G. Whitlam.

[8] Minister for Defence; the Bill had come from the Senate, where it had been introduced by the Minister for Civil Aviation, Senator the Hon. S. A. Paltridge, and where a similar amendment had been moved by the Opposition and defeated.

[9] Mr. R. G. Menzies (as he then was), speaking to the second reading of the Bill: (1962) 35 COMMONWEALTH PARL. DEB. 1364. The need for a member with experience in medical education arises from the actual or impending establishment of new Universities and the need for more medical schools.

familiar with the problems of medical schools and their administration; the other a person experienced in business and financial matters—and presumably to preserve the balance between academic and non-academic members. A later Act—the States Grants (Universities) Act, No. 51 of 1962—gives practical recognition to the need for Commonwealth support of teaching hospitals as part of the medical schools' structure. The government had some time previously set up a strong extra-parliamentary committee to advise it on this subject; the Act now being reviewed provides for the following maximum grants (for new buildings, extensions, and equipment) on condition that the States provide matching grants:—

Grants for teaching hospitals.

In New South Wales	£637,738
Victoria	724,148
Queensland	269,425
South Australia	103,250
Western Australia	31,115
	£1,765,676

The same Act makes a minor change in regard to one of the factors determining the extent of Commonwealth grants towards the annually recurrent expenditure of the Universities. One of the major items in that expenditure is salaries of academic teaching staff; as the whole range of those salaries usually reveals a fixed relationship to a professorial salary, the 1960 Act assumed an *average* professorial salary of £4,000 per annum but by subsection (2) of section 6 empowered the Minister, by instrument under his hand, to approve an increase in the "basic professorial remuneration" and a corresponding increase in the Commonwealth grants. The 1962 Act repeals subsections (1) and (2) of section 6 and substitutes a single new subsection (1) approving £4,250 as the basic professorial salary; the Prime Minister disclaimed any intention of dictating to the Universities what salaries they should pay professors (and other academics), but thought it unwise to leave any variations in the approved rate to the discretion of the Minister (*i.e.*, himself). Alterations of the approved rate would in future be made by Parliament itself; but that did not mean that Parliament would decide what salaries should be paid—it would merely "approve" a professorial rate as a basis for determining the grants. As approval was given to a higher rate, the fifth column of the First Schedule to the Act, which sets out the maximum "additional financial assistance" obtainable from the Com-

monwealth, was amended to provide for increases to cover in part[10] the financial costs of "approving" a higher rate.

A second Bill to provide further assistance to three new or relatively new Universities (Monash in Victoria, New South Wales in the State of that name, and the University of Adelaide at Bedford Park in South Australia) was introduced to the House of Representatives on 5th December 1962 but got no further than the second-reading stage before Parliament adjourned and the session came to an end.[11]

III. FISCAL.

Audit.

The Audit Act 1961[12] amended the Audit Act 1901-1960[13] to provide a special appropriation of the Consolidated Revenue Fund for refunds of revenue not covered by other Acts and to provide authority for refunds from the Trust Fund. It was intended that the appropriation should apply both to refunds made in consequence of a clear liability on the part of the Commonwealth and those made in the exercise of ministerial discretion; but the Attorney-General's Department later expressed the opinion that the appropriation did not apply to refunds made in the exercise of ministerial discretion.[14] The Audit Act, No. 74 of 1962, has amended the principal Act to remove these limitations, the amendments being retrospective to 1st July 1962.

Bounties.

In accordance with the recommendations of the Tariff Board, a bounty will be paid to Australian producers of sulphate of ammonia at the rate of £2 per ton on domestic sales of sulphate of ammonia for use in Australia as fertilizer.[15] The bounty will operate for three years as from 1st April 1962, with an annual limitation to £225,000. Where a producer's net profit exceeds 10 per cent. per annum, his bounty will be reduced by the amount of the excess. Bounty will not

10 The States must of course provide their share under the system of "matching" grants.

11 The Bill was reintroduced early in the 1963 session and became law on 7th May 1963 as the States Grants (Universities) Act, No. 5 of 1963.

12 No. 89 of 1961.

13 No 4 of 1901, as amended by No. 8 of 1906, No. 4 of 1909, No. 6 of 1912, No. 32 of 1917, No. 23 of 1920, No. 34 of 1924, No. 18 of 1926, No. 45 of 1934, No. 52 of 1947, No. 60 of 1948, No. 51 of 1950, No. 79 of 1952, No. 12 of 1953, No. 18 of 1955, No. 39 of 1957, No. 8 of 1959, and Nos. 17 and 77 of 1960.

14 See (1962) 37 COMMONWEALTH PARL. DEB. (H. of R.) 2228.

15 Sulphate of Ammonia Bounty Act, No. 30 of 1962.

be paid in respect of any sulphate of ammonia unless the Comptroller-General of Customs is satisfied that it is of good and merchantable quality.

The bounty payable on sales of continuous filament acetate rayon, which was due to expire on 30th June 1962, has been extended to 30th June 1965.[16] The rate of bounty has been increased from 6d. per lb. to 9d. per lb., and the maximum amount payable annually has been increased from £100,000 to £130,000.

The Gold-Mining Industry Assistance Act, No. 52 of 1962, has extended the gold subsidy, which was due to expire on 30th June 1962, for three more years.

In accordance with the recommendations of the Tariff Board, a bounty will also be paid at the rate of £45 per ton to producers of copper strip or brass strip not exceeding 15 inches in width and not exceeding twelve-thousandths of an inch in thickness.[17] The bounty will operate for two years as from 1st October 1962, with an annual limitation to £190,000. The usual profit limitation of 10 per cent. per annum will apply, and the Comptroller-General of Customs must be satisfied that the copper or brass strip is of good and merchantable quality.

Commonwealth Development Bank.

The Commonwealth Banks Act, No. 3 of 1962, amended the Commonwealth Banks Act 1959-1961[18] so as to increase the capital of the Commonwealth Development Bank of Australia by £5,000,000.

Customs and Excise.

Under the terms of the Tariff Board Act, No. 21 of 1962, special advisory authorities may be set up to advise the Government on the desirability of imposing temporary duties and import restrictions on foreign goods when Australian industries are in urgent need of protection against foreign rivals. The Tariff Board Act (No. 2)[19] gives these advisory authorities power to recommend long-term import restrictions.

Prior to the passing of the Excise Act, No. 37 of 1962, the only authority to make refunds and remissions of excise duty was contained in the Excise Regulations. As it was felt that this authority was of

16 By the Rayon Yarn Bounty Act, No. 50 of 1962.
17 Copper and Brass Strip Bounty Act, No. 81 of 1962.
18 No. 5 of 1959, as amended by No. 75 of 1961.
19 No. 86 of 1962.
20 No. 9 of 1901, as amended by No. 26 of 1918, No. 8 of 1923, No. 44 of 1934, No. 16 of 1942, No. 88 of 1947, No. 46 of 1949, No. 55 of 1952, No. 10 of 1957, and No. 49 of 1958.

questionable validity, the Excise Act 1901-1958[20] was amended to incorporate the basic powers in the Act.[21]

Income tax.

The Income Tax and Social Services (Rebate) Act, No. 14 of 1962, and the Income Tax and Social Services (Provisional Tax) Act, No. 15 of 1962, authorized a 5 per cent. reduction in personal income tax for the year 1961-62. The same rates of income tax and social services contribution, including the 5 per cent. rebate on personal tax, were re-enacted for the year 1962-63.

Several important changes in income tax law were made by the Income Tax and Social Services Contribution Assessment Act, No. 39 of 1962. The Act allows a manufacturer to deduct from his assessable income 20 per cent. of the capital cost of new manufacturing plant; the allowance will apply to new manufacturing plant delivered to the manufacturer's premises on or after 7th February 1962. Where the plant was constructed on the manufacturer's premises, either by the manufacturer himself or by an independent contractor, the plant will qualify for the allowance if the construction commenced or the contract for the construction was let not earlier than 7th February 1962. The allowance will apply to plant used in the actual process of manufacturing and also to plant used for purposes inseparably associated with manufacture, such as the disposal of waste substances resulting from the manufacturing process. Plant used in the mining industries will qualify for the allowance if it is used for the concentration of metals or for processes normally undertaken after concentration. The Act also provides that if a company, whose principal business is prospecting or mining in Australia or in the Territory of Papua and New Guinea, receives monies that it applies towards the paid up value of shares that it issues, it will be entitled to lodge with the Commissioner of Taxation a declaration that those monies, or part of them, will be expended on its prospecting or mining activities. When such a declaration has been made, a shareholder resident in Australia or the Territory of Papua and New Guinea will be entitled to deduction for the amount of his contribution specified in the declaration; a corresponding reduction will be made in the allowance to which the company could otherwise be entitled for capital expenditure on exploration and prospecting, mine development, plant or housing, and welfare for employees. These deductions will not apply to capital subscribed to oil exploration companies or to capital to be employed

21 See (1962) 34 COMMONWEALTH PARL. DEB. (H. of R.) 1116.

in prospecting or mining for gold or uranium. The present 20 per cent. depreciation allowances on plant used for pastoral, agricultural or fishing purposes and structural improvements situated on land used for agricultural, pastoral or pearling purposes have been extended for a further five years. Finally, the Act has repealed the provisions requiring tax clearances from people leaving Australia.

The Income Tax and Social Services Contribution Assessment Act (No. 2)[22] has extended the concessions available in respect of service with the British Commonwealth Far East Strategic Reserve to service in Vietnam.[23]

Loans.

The Loan (Housing) Act, No. 17 of 1962, increased the amount of money lent to the States during the year 1961-62 for housing by a further £7,500,000. The money was allocated to the States as follows:—[24]

New South Wales	£2,403,000
Victoria	£1,927,000
Queensland	£900,000
South Australia	£1,036,000
Western Australia	£706,000
Tasmania	£528,000
	£7,500,000

The Loan (Housing) Act (No. 2)[25] authorized the lending of £45,900,000 to the States for housing during the year 1962-63. The money was allocated to the States as follows:—[26]

New South Wales	£15,000,000
Victoria	£12,600,000
Queensland	£3,800,000
South Australia	£9,000,000
Western Australia	£3,000,000
Tasmania	£2,500,000
	£45,900,000

22 No. 98 of 1962.
23 See (1962) 37 COMMONWEALTH PARL. DEB. (H. of R.) 2816.
24 See (1962) 34 COMMONWEALTH PARL. DEB. (H. of R.) 521.
25 No. 70 of 1962.
26 See (1962) 36 COMMONWEALTH PARL. DEB. (H. of R.) 88.

The Loan (Qantas Empire Airways) Act, No. 59 of 1962, authorized the Commonwealth to borrow U.S. $4,600,000 from the Chase Manhattan Bank on behalf of Qantas Empire Airways to enable Qantas to purchase a Boeing 707-138B aircraft which was already on lease to it.[27]

The Loan (International Bank for Reconstruction and Development) Act, No. 24 of 1962, authorized the Commonwealth to borrow U.S. $100,000,000 from the International Bank for Reconstruction and Development to assist in financing the Snowy Mountain hydro-electric scheme.[28]

Financial assistance to the States.

The new scheme of financial assistance to the States introduced in 1959[29] provided for grants based on specific amounts *per caput* of the population of each State. In the intervals between decennial censuses the determination of population (and consequently of the quantum of grants) depended upon estimates made annually by the Commonwealth Statistician. When a new census was taken in 1961 it was found that errors had been made (in two cases of a substantial nature) in the Statistician's estimates; Queensland, New South Wales, and South Australia had received more in grants than their entitlement, while Victoria, Western Australia, and Tasmania had received less. The first three States objected strongly to these grants being reduced; the Commonwealth took the easy way out by leaving those grants untouched but giving additional grants to the second group so that the total grants they would receive would reflect their actual instead of their estimated populations. Effect was given to this decision by the State Grants Act, No. 16 of 1962.

It is a sad commentary upon the financial structure of Australian federalism that while State Treasurers have great difficulty in balancing their budgets and in finding money for sudden emergencies, the Commonwealth Treasury can, it seems, always find some spare money when it needs it. This situation was exemplified by the introduction of the Bill which became the States Grants (Additional Assistance) Act, No. 20 of 1962. According to the Commonwealth Treasurer,[30] the government felt gravely concerned by the level of unemployment in Australia and by the evident lack of confidence in the industrial and commercial sectors. It therefore proposed to make £10,000,000

27 See (1962) 36 COMMONWEALTH PARL. DEB. (H. of R.) 528.
28 See (1962) 34 COMMONWEALTH PARL. DEB. 513.
29 See (1960-62) 5 U. WEST. AUST. L. REV. 172-178.
30 See (1962) 34 COMMONWEALTH PARL. DEB. (H. of R.) 518.

available to the States, as a non-repayable grant, to encourage them to embark upon a "works programme" which would take care of at least some of the unemployed. The apportionment of the grant, based as it was on the extent of unemployment in the several States, having proved acceptable to their governments, it was given statutory form in the new Act; the grant was made in respect of the fiscal year 1961-62. But even this proved insufficient; in August 1962 a second Bill was introduced because "the Commonwealth was influenced by the fact that there still exists a need to promote job opportunities."[31] This time the grant (non-repayable and interest-free, like the earlier dole) was £12,500,000, with special consideration given to Queensland and Tasmania because of the greater unemployment in these States. The States Grants (Additional Assistance) Act (No. 2),[32] like the earlier Act of the same title, does not contain any express provisions as to how the money is to be spent; but whereas the Treasurer stated that the State Premiers had agreed to spend the £10,000,000 on works programmes, he now said that they could "utilize any part of the grants which they saw fit in order to assist their budgets in the present year."[33]

The auxiliary grants made every year to Western Australia and Tasmania, on the recommendation of the Grants Commission, received statutory approval in the States Grants (Special Assistance) Act, No. 68 of 1962. For the year 1962-1963, Western Australia was granted £6,210,000; Tasmania £5,041,000; Western Australia got £54,000 more, Tasmania £34,000 less, than in the previous financial year.

IV. DEFENCE.

The Acts passed under this head in 1962 deal mainly with the by-products of past wars, providing increased rewards or benefits for those who have already served in their country's Forces. Absent another major war, the number of prospective beneficiaries must slowly decline.

War service homes and other repatriation benefits.

As time goes on, the number of ex-members of the Forces who have not taken advantage of the generous terms of purchase or mort-

31 *Per* the Treasurer, the Hon. Harold Holt: (1962) 36 COMMONWEALTH PARL. DEB. (H. of R.) 60.

32 No. 58 of 1962.

33 Unemployment must have proved difficult to reduce, or perhaps commercial confidence refused to be revived, because early in 1963 the amount to be made available under the Act was retrospectively raised from 12½ to 17½ million pounds: See States Grants (Additional Assistance) Act, No. 4 of 1963.

gage to obtain homes of their own steadily diminished. To encourage the laggards (and incidentally to give a fillip to the building industry) the War Service Homes Act, No. 2 of 1962, virtually reduces by £750 the amount of the deposit required from a would-be purchaser of an existing house and increases by a like sum the amount that may be advanced by way of mortgage on a new house. A second amendment of the principal Act, No. 93 of 1962, extends the provisions of that Act to persons to whom the Repatriation (Special Overseas Service) Act, No. 89 of 1962, applies; this latter Act authorizes declarations (to be issued in the form of regulations) that "by reason of warlike operations or a state of disturbance in or affecting a specified area outside Australia" the area is to be classified as a special area for the purposes of the Act. On such a regulation being made many of the benefits available under the Repatriation Act 1920-1962 are extended to members of the Australian Forces serving in the area. Consequential amendments of that Act, the Re-establishment and Employment Act 1945-1954, and the Repatriation (Far East Strategic Reserve) Act 1956 are made by Acts Nos. 91, 92, and 90 respectively.

Defence Forces retirement benefits.

The Defence Forces Retirement Benefits Act, No. 67 of 1962, has for its major purpose "to adjust the pension entitlements of the majority of the contributors to the . . . Fund in respect of salary increases which have taken place since 1959."[34] If further increases should be granted, new legislation to bring contributions into line will not be necessary because the current Act provides for automatic adjustment of contributions and pensions.

Defence loan.

Loans raised by the Commonwealth for defence purposes are not affected by the Financial Agreement Act 1928 and therefore are not subject to the jurisdiction of the Australian Loan Council on which all States as well as the Commonwealth are represented. The Loan Act (No. 2) 1962[35] authorizes the raising (by loan) of not more than £118,328,000 for defence purposes; of that sum £98,283,000 will be new spending for the defence purposes authorized by the Appropriation Act 1962-1963,[36] while the balance will be used to redeem Commonwealth securities already issued for war purposes.

[34] *Per* the Treasurer, the Hon. Harold Holt: (1962) 36 COMMONWEALTH PARL. DEB. (H. of R.) 591.

[35] Act No. 79 of 1962.

[36] Act No. 64 of 1962.

V. INDUSTRIAL RELATIONS.

Stevedoring Industry.

The Stevedoring Industry Act 1961 introduced a scheme for long service leave for waterside workers. Following negotiations between the Australian Council of Trade Unions, the Waterside Workers Federation, and the Minister for Labour and National Service, the Stevedoring Industry Act 1962 made several amendments to the scheme. The distinction between A class and B class ports and regular and irregular workers has been abolished, and all waterside workers can now qualify for long service leave, irrespective of whether they are "regulars" or "irregulars" and whether they work in A class or B class ports. Under the previous legislation, men who were registered as waterside workers prior to enlistment for war service and were re-registered on discharge could count their period of war service as qualifying service for long-service leave; the new legislation provides that where a man was working at a port where there was no register of waterside workers when he enlisted for war service, but such a register was established during the period of his war service and the man registered on his return from war service, the qualifying period for long service leave will commence on the day on which the register was established. Returned soldiers who are entitled to a pension at sixty may leave the stevedoring industry at sixty with the same long service leave benefits which would otherwise have been payable at sixty-five. Many members of the Sydney Mechanical Branch, who should have registered in 1944, did not register until 1948; the new legislation provides that for long-service leave purposes they should be treated as having registered in 1944. Men who, in the past, had been deregistered in circumstances where they would now be given leave of absence, will now be treated for purposes of long-service leave entitlement as if they had been given leave of absence. Time spent in travel from port to port may be included as qualifying service for long-service leave, and provision has been made for payment on account of long-service leave to be made on death without production of probate or letters of administration. The Act of 1961 came into operation on 6th June 1961, but owing to a misunderstanding some older men thought that the legislation came into operation on 1st May 1961 and left the stevedoring industry before 6th June, thus losing benefits; such men are now entitled to benefits as if they were still members of the stevedoring industry on 6th June.

It was held by the High Court of Australia in *The Queen v. The Commonwedlth Conciliation and Arbitration Commission and Others;*

Ex parte The Australian Foremen Stevedores Association and Others, that the Australian Stevedoring Industry Authority had no power to revoke or vary a suspension order made by a delegate. The new legislation confers such power on the Authority.

The most controversial feature of the 1961 legislation was the double-barrelled penalty contained in section 52A. Under that section, where there had been a stoppage involving 250 men or one-third of the work force and the Australian Stevedoring Industry Authority did not consider that the stoppage was excusable, all men involved forfeited four days attendance money—*and* their qualifying service for long-service leave could be deferred by up to 30 days. The 1962 Act eliminates that part of section 52A, which deals with the deferment of long-service leave; the remainder of section 52A, however, remains.

In order to enable the Australian Stevedoring Industry Authority to meet the cost of the long-service leave scheme and other new commitments, the Stevedoring Industry Charge Act 1962 has raised the rate of the stevedoring industry charge from 2/6 to 3/4 a man hour.

VI. TRADE, COMMERCE, AND INDUSTRIAL PROPERTY.

Patents.

In an attempt to reconcile the interests of investors, particularly those whose inventions are of passing utility, and manufacturers, the Patents Act 1962 has amended the law relating to the stage in an inventor's application at which knowledge of his invention is made available to the public. The Patents Act 1960 provided that a complete specification should be published and open to public inspection immediately after the application had been accepted. The new Act provides that the inventor may request the Commissioner of Patents to open the complete specification to public inspection at any time after three months from the date on which he lodged his complete specification, even if the specification has not yet been accepted, and the Commissioner must comply with such a request; in any case the Commissioner must make the complete specification open to public inspection eighteen months after the complete specification has been lodged, even although it has not yet been accepted.

The Act also attempts to remove some of the disadvantages accruing to an inventor from the early publication of his complete specification. When the applicant makes amendments to his original application in order to satisfy the examiner's objections, the amendments will not be made public until it has been allowed, even although

the complete specification has been opened to public inspection. Under the previous law an inventor whose complete specification disclosed more than one invention might file further applications in respect of those inventions up to the time when the original application became open to public inspection. The new Act provides that the inventor may file further applications at any time before acceptance or the expiration of twelve months from the time when the original application became open to public inspection, whichever may be the earlier. The Act also seeks to remove the risk of letters patent being declared invalid at a later date for disconformity.

VII. PRIMARY PRODUCTION.

Sugar agreement.

The production of cane sugar in Australia is carried out predominantly in Queensland and to a very much smaller extent in New South Wales. Total production is greatly in excess of domestic requirements; hence a substantial proportion has to be exported in competition with sugar from other countries. It has long been the practice for the Commonwealth and Queensland to enter into agreements, with legislative approval, to control (which in practice means to raise) the price charged for sugar in Australia. Until early in 1962 the operative agreement was one which had been made in 1956[87] and was to continue until 31st August 1961; it was amended in 1960 by Act No. 63, and then was extended by agreement but without reference to parliament until 31st May 1962. The reason for this change in procedure was that the government of the Commonwealth did not want to enter into a new agreement with the government of Queensland until it had received a report from a three-man Committee of Investigation which it had appointed in 1960. The report having been received and a new agreement negotiated, the Sugar Agreement Act, No. 29 of 1962, gives legislative approval to the new scheme which operates retrospectively to the original date of expiry of the 1956 agreement and is to continue for five years from that date. As is usual it makes the State of Queensland responsible for supplying sugar to all States at fixed prices per ton according to grade and requires it to accept the responsibility for any loss arising from the export of the surplus.

VIII. INTERNATIONAL ENGAGEMENTS.

International Wheat Agreement.

Parliamentary approval for the acceptance of the International

[87] Sugar Agreement Act, No. 109 of 1956.

Wheat Agreement 1962 was given by the International Wheat Agreement Act 1962. The new agreement provides for a further extension of three years of the International Wheat Agreement 1959 with some modifications. Under the new agreement both maximum and minimum prices have been increased by 12½ cents (Canadian), and the major importing countries have agreed to significant increases in their maximum percentage commitments. Countries within the European Economic Community were able, under the old agreement, to sell to each other at prices above the maximum, provided that both the buying and selling country agreed; under the new agreement, countries outside the European Economic Community may sell to countries within it above the maximum price, provided both parties agree.

IX. FEDERAL TERRITORIES.

Australian Capital Territory Electricity Supply.

The Australian Capital Territory Electricity Supply Act 1962 has set up a statutory corporation, known as the Australian Capital Territory Electricity Authority, charged with the responsibility for the supply of electricity in the Australian Capital Territory. It takes over the Canberra Electric Supply, previously administered by the Department of the Interior, and will consist of a full-time chairman, appointed by the Governor-General, and two part-time members, one elected by theAdvisory Council of the Australian Capital Territory from among their members and one an officer of the Department of the Interior appointed by the Governor-General.

Northern Territory.

The Northern Territory (Administration) Act 1962 gives the Legislative Council for the Northern Territory power to make Ordinances declaring the powers, privileges, and immunities of the Council, its members, and committees. The Council may not, however, make Ordinances declaring its legislative powers, nor may it grant itself powers, privileges or immunities greater than those possessed by the British House of Commons at the time of the establishment of the Commonwealth.

Removal of Prisoners.

The Removal of Prisoners (Territories) Act 1962 provides that when a person serving a sentence for an offence against the laws of a Territory is transferred to a State or another Territory, the Governor-General may allow him to be released on licence subject to conditions. The Act was passed because doubts had been felt as to whether con-

ditions imposed under Territorial law could be enforced if the prisoner was released outside the Territory.

X. STATUS AND SOCIAL SERVICES.

Social Services.

The Social Services Act 1962 has reduced the residence qualification for age and invalid pensions from twenty to ten years. The Act also provides for increased sickness and unemployment benefits. The rate of unemployment or sickness benefit payable to an adult or married minor has been increased by 7/6 week, as has the additional benefit for a dependant spouse or unpaid housekeeper, and the additional benefit for the first child has been increased by 2/6 a week from 12/6 to 15/- a week. The Act also provides that an additional payment of 15/- a week will also be made for each child other than the first.

National Health.

The National Health Act 1962 provides for the payment of a Commonwealth grant to hospitals which provide free treatment for pensioners; the grant will be at the rate of £1. 16. 0 per day per patient. The Act also alters the position of nursing home patients. Patients in convalescent homes and homes for the aged will now receive a Commonwealth benefit of £1 a day, regardless of whether or not they are insured with a hospital insurance fund. Should patients from such nursing homes, who have discontinued their insurance payments, be admitted to hospital within eight weeks from their discharge from the nursing homes, they may now enrol in an insurance fund and be entitled to hospital benefits from the date of enrolment, instead of having to wait eight weeks.

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