

## II. Commonwealth.

### *Introductory.*

The twenty-fourth Commonwealth Parliament passed 103 statutes during the third and fourth periods of its first session, the two periods lasting from 26th March 1963 to 23rd May 1963 and from 13th August 1963 to 30th October 1963.

### I. CONSTITUTIONAL.

There was no legislation passed under this heading in 1963.

### II. JUDICIAL AND ADMINISTRATIVE.

#### *Australian National University.*

The Australian National University Act 1963<sup>1</sup> gave the Australian National University power to make astronomical and meteorological observations in any part of the Commonwealth. The headquarters of the Department of Astronomy remain at Mount Stromlo Observatory in the Australian Capital Territory, but it has been decided to set up a field station on Siding Spring Mountain, near Coonabarabran, New South Wales. It was therefore deemed wise to vest the University with a specific power, not confined to the Australian Capital Territory, to undertake astronomical observations.<sup>2</sup>

#### *Acts Interpretation.*

The Acts Interpretation Act 1963<sup>3</sup> amended the Acts Interpretation Act 1901-1957 by adding a new provision to the effect that, where Commonwealth or Territory legislation provides for any document to be tabled or otherwise brought to the attention of either House or both Houses of Parliament, and under the Standing Orders of the House or Houses concerned papers are deemed to be presented to the House if they are delivered to the Clerk of the House and recorded in the records of the proceedings of the House, it shall be sufficient compliance with that requirement if the document is dealt with in accordance with the Standing Orders of the House or Houses concerned. The Act also made some necessary tidying amendments to the sections dealing with short methods for citing Commonwealth, State or Imperial Acts, and the procedure for making effective regulations made under an act of Parliament, and for disallowing regulations, as did the Parliamentary Papers Act 1963,<sup>4</sup> the Australian

<sup>1</sup> No. 9 of 1963.

<sup>2</sup> See (1963) 38 COMMONWEALTH PARL. DEB. (H. of R.) 160.

<sup>3</sup> No. 19 of 1963.

<sup>4</sup> No. 29 of 1963.

Antarctic Territory Act 1963,<sup>5</sup> the Christmas Island Act 1963,<sup>6</sup> the Cocos (Keeling) Islands Act 1963,<sup>7</sup> the Heard Island and McDonald Islands Act 1963,<sup>8</sup> and the Seat of Government (Administration) Act 1963.<sup>9</sup>

#### *Evidence.*

The Evidence Act 1963<sup>10</sup> amended the Evidence Act 1905-1956 by providing that documents purporting to be printed by the Government Printer and to be copies of motions, resolutions or proposed laws, introduced in a House of Parliament or in a committee of the House shall be admitted as evidence of the fact of such introduction and of the matter introduced.

#### *Airlines.*

The Air Accidents (Commonwealth Liability) Act 1963<sup>11</sup> provided that where persons who are travelling as passengers by air in the service of, or for the purposes of the Commonwealth and authorities of the Commonwealth, in aircraft operated by the Commonwealth or a Commonwealth authority, are killed or injured in an air accident, the Commonwealth or the Commonwealth authority will have the same liability towards those passengers or their estates as airline companies have towards interstate passengers under the Civil Aviation (Carriers' Liability) Act 1959-1962, *i.e.*, damages up to £7,500 for all accidents, whether due to negligence in the operation of the aircraft or not. Where the passengers were travelling in aircraft not operated by the Commonwealth or a Commonwealth authority, the Commonwealth will be liable to the same extent as it would have been if they had been travelling in an aircraft operated by the Commonwealth or a Commonwealth authority, provided and insofar as compensation is not available from other sources. The provisions of the Act apply only to those people who are travelling strictly *as passengers*, and not to crew members or persons performing duties during the flight, nor to members of the services on active service.

The Air Navigation (Charges) Act 1963<sup>12</sup> increased air navigation charges by 10 per cent.

<sup>5</sup> No. 20 of 1963.

<sup>6</sup> No. 21 of 1963.

<sup>7</sup> No. 22 of 1963.

<sup>8</sup> No. 23 of 1963.

<sup>9</sup> No. 24 of 1963.

<sup>10</sup> No. 28 of 1963.

<sup>11</sup> No. 74 of 1963.

<sup>12</sup> No. 97 of 1963.

### *Crimes.*

The Crimes (Aircraft) Act 1963<sup>13</sup> provided that where a person does an act or omission in an aircraft which, if it took place in the Australian Capital Territory, would be an offence against the criminal law of that territory, he commits an offence under the Act punishable in the same way as if he had done the act or omission in the Australian Capital Territory. The Act applies to all Australian aircraft, other than those engaged in purely intra-state flights, all Commonwealth or defence aircraft, and any foreign aircraft engaged in a flight which either begins or ends in Australia.

The Act also created specific crimes against aircraft: taking unlawful control of an aircraft, destruction of an aircraft, prejudicing the safe operation of an aircraft, endangering the safety of an aircraft, assaulting or threatening a crew member, taking or sending dangerous goods on an aircraft, and making threats against the safety of an aircraft or making false statements about threats to the safety of an aircraft. Where a person destroys or prejudices the safety of an aircraft with intent to kill or with reckless indifference to life the punishment is death; and the death penalty may be carried out even although there is no death penalty in the State in which the offender is tried.

The Act confers federal jurisdiction on State courts to try offences under the Act, and provides that a person may not be tried for an offence under the Act without the consent of the Attorney-General. Where it can be proved that the act or omission complained of took place in a particular State, the accused may insist on being tried in that State. The Act also confers power to arrest on the captain of an aircraft and gives to the captain or a person authorized by the Minister of State for Civil Aviation power to search an aircraft, and any person, luggage or freight on board, or about to board or be put on board, an aircraft.

In his second reading speech<sup>14</sup> the then Attorney-General, Sir Garfield Barwick, said that the object of the Act was to deal with crimes committed in such circumstances that it would be difficult or impossible to determine exactly where they were committed, *e.g.*, where an aircraft was near the border between two States, and that the powers of the States to deal with offences committed in the air space above their respective territories would remain unaffected; and section 27 of the Act provides that the Act is not intended to exclude

<sup>13</sup> No. 64 of 1963.

<sup>14</sup> See (1963) 39 COMMONWEALTH PARL. DEB. (H. of R.) 96.

or limit the operation of any law of a State or Territory. Despite section 27, however, it is submitted that the Act may have the effect of limiting the criminal jurisdiction of the States. Suppose a person commits murder on an aeroplane engaged on an inter-state flight while flying over New South Wales: he has committed an offence under the criminal law of New South Wales and also under the Crimes (Aircraft) Act. If the New South Wales court that tries him does so in the exercise of its federal jurisdiction he will be sentenced to death, if it does so in the exercise of its State jurisdiction he will not. If the Commonwealth Attorney-General does not consent to the institution of a prosecution under the Crimes (Aircraft) Act, or if the State authorities do not wish to prosecute, no problem will arise: but supposing both the Commonwealth and the State wish to prosecute, and neither will give way; has the court a discretion as to which jurisdiction it will exercise, or is it bound to exercise one or the other, and if so which? It is submitted that the matter is not clear.<sup>15</sup>

#### *Currency.*

The Currency Act 1963<sup>16</sup> followed on the Government's decision to introduce decimal currency into Australia in February 1966.<sup>17</sup> The Act provided that the major unit will be known as a dollar and will be divided into a hundred cents. The dollar will be equivalent to ten shillings and one shilling will be worth ten cents. For amounts less than one shilling the conversion will be as follows:

<i>Amount of pence</i>	<i>Amount of cents</i>
1 . . . . .	1
2 . . . . .	2
3 . . . . .	2
4 . . . . .	3
5 . . . . .	4
6 . . . . .	5
7 . . . . .	6
8 . . . . .	7
9 . . . . .	8
10 . . . . .	8
11 . . . . .	9

<sup>15</sup> See *Lorenzo v. Carey*, (1921) 29 Commonwealth L.R. 243, at 252; *Ffrost v. Stevenson*, (1937) 58 Commonwealth L.R. 528, at 573, *per* Dixon J.; *Minister for the Army v. Parbury Henty and Co. Ltd.*, (1945) 70 Commonwealth L.R. 459, at 483, *per* Latham C.J.

<sup>16</sup> No. 67 of 1963.

<sup>17</sup> See (1963) 40 COMMONWEALTH PARL. DEB. (H. of R.) 1926.

The coins in the new currency will be one cent, two cent, five cent, ten cent, twenty cent and fifty cent pieces. The twenty cent, ten cent and five cent coins will be indistinguishable in size and weight from the present two shilling, one shilling and sixpenny coins which they will replace.<sup>18</sup> The Act made no provision for decimal currency notes, nor did it make any provision for the transitional period following the change over, when both the old and new systems of currency will be in operation. It is intended that these matters will be dealt with by subsequent legislation.<sup>19</sup>

The provisions of the Act do not apply to the Territories of Papua, New Guinea, and Christmas Island.

### *Broadcasting and Television.*

The Broadcasting and Television Act 1963<sup>20</sup> amended the Broadcasting and Television Act 1942-1962 so as to allow the Postmaster-General to grant licences for television translator stations. Under the old Act no person may control more than two licences in respect of commercial television stations. The new Act provides that this rule shall not apply to the granting of licences for television translator stations. A translator station is one which receives transmissions from a parent television station and re-transmits them so that they can be received by people who live not far from the parent station, but are unable to receive a satisfactory transmission due to the topography of the country.<sup>21</sup>

### *Service and Execution of Process.*

The Service and Execution of Process Act 1963<sup>22</sup> has amended the Service and Execution of Process Act 1901-1958 so as to alter the provisions for the enforcement in one State of fines imposed by a court of summary jurisdiction in another State. Previously, when an offender did not pay his fine and was in another State, a warrant of arrest would be issued in the State in which the fine was imposed. This warrant would then be endorsed by a magistrate in the State in which the offender was present, authorizing his arrest in that State. The offender would then be brought before a magistrate in that State, who would order his return to the State in which the fine was imposed, and on his return to the State in which the fine was imposed he would be imprisoned for non-payment. Now a warrant for the

<sup>18</sup> See (1963) 40 COMMONWEALTH PARL. DEB. (H. of R.) 1929.

<sup>19</sup> See (1963) 40 COMMONWEALTH PARL. DEB. (H. of R.) 1927, and 1934.

<sup>20</sup> No. 82 of 1963.

<sup>21</sup> See (1963) 40 COMMONWEALTH PARL. DEB. (H. of R.) 2256.

<sup>22</sup> No. 35 of 1963.

arrest of the offender may be issued in the State in which the fine was imposed addressed to the police in the State in which he is believed to be; he may then be arrested, tried and, if need be, imprisoned in the State in which he is present.

The Act also made various amendments to the machinery of the old Act. The definition section has been altered so that criminal proceedings and maintenance proceedings are excluded from the meaning of the word "suit". The class of persons who may grant leave to serve a subpoena in a State other than the State of issue has been extended, and section 15 of the old Act has been amended so that a summons may be served under that section when it has been issued on information supported by oath, and not only when the information was made on oath, as was previously the case. Section 16A of the old Act, which provides the machinery whereby a person imprisoned in one State may be produced in custody to give evidence in a case in another State, has been amended so that the party applying for the production of the prisoner may be required to give security for costs.

### III. FISCAL.

#### *Bounties.*

The Processed Milk Products Bounty Act 1963<sup>23</sup> extended the bounty on processed milk products introduced by the Processed Milk Products Bounty Act 1962 for a further twelve months and increased the maximum amount of bounty from £350,000 to £500,000.

The Phosphate Fertilizers Bounty Act 1963<sup>24</sup> provided for the payment of a bounty on superphosphate and ammonium phosphate manufactured in Australia and sold for use in Australia on and after 14th August 1963. The bounty on superphosphate will be payable at the rate of £3 per ton provided that the phosphorus pentoxide content of the superphosphate is not less than 19.5 per cent. and not more than 20.5 per cent.; however, the minimum phosphate pentoxide content of the superphosphate may be varied from time to time by the Minister. Where the phosphorus pentoxide content of the superphosphate is less than 19.5 per cent. and more than 20.5 per cent. the bounty will be payable at the rate of £15 for each ton of the phosphorus pentoxide content of the superphosphate. Bounty on ammonium phosphate will be payable at the rate of £15 for each ton of

<sup>23</sup> No. 16 of 1963.

<sup>24</sup> No. 78 of 1963.

the phosphorus pentoxide content of the ammonium phosphate. The bounty will not be payable unless the Comptroller-General of Customs is satisfied that the products are of good and merchantable quality, and if the producer does not pass on the benefit of the bounty to the purchasers the Minister may direct that the bounty shall not be paid to the producer. The bounty will last for three years.

The Raw Cotton Bounty Act 1963<sup>25</sup> replaced the existing scheme of assistance to the Australian cotton growing industry with a new one. Under the old scheme growers were guaranteed an average minimum price of 14d. per lb. seed cotton. Under the new scheme a bounty will be paid at the rate of 16.125d. per lb. for the grade middling one inch white raw cotton, with the rates for other grades being determined by the Minister at the beginning of each year. The bounty will not be payable unless the Comptroller-General of Customs is satisfied that the products are of good and merchantable quality. The bounty will be paid to the processor of the cotton, but if he does not pass on the benefit of the bounty to the growers the Minister may direct that the bounty may not be paid to the processor. The bounty will last for five years, and the maximum amount payable in any one year is £2,000,000. The new scheme differs from the old in two important respects. Firstly, the bounty being paid on a grade basis, rather than on a flat rate per lb. of seed cotton, the amount of bounty received by individual growers will depend on the quality of their cotton, thus encouraging the production of seed cotton which yields a high raw cotton content of high quality. Secondly, freight and ginning costs are included in the bounty payment, so that individual freight and ginning costs will have to be met by each grower, whereas under the old scheme individual freight and ginning costs were an allowable charge before determination of bounty: it is hoped that this will encourage the erection of ginneries in or about areas of production and efficiency in the operation of the ginneries themselves.<sup>26</sup>

In accordance with the recommendations of the Tariff Board,<sup>27</sup> a bounty of 4d. per lb. will be paid on vinyl resins produced in Australia and sold for use in Australia or used by the producer in the manufacture of other goods in Australia.<sup>28</sup> The bounty will operate for three years as from 15th August 1963. The usual profit limitation

<sup>25</sup> No. 86 of 1963.

<sup>26</sup> See (1963) 40 COMMONWEALTH PARL. DEB. (H. of R.) 2267.

<sup>27</sup> See (1963) 40 COMMONWEALTH PARL. DEB. (H. of R.) 2361.

<sup>28</sup> Authorized by the Vinyl Resin Bounty Act 1963 (No. 88 of 1963).

of 10 per cent. per annum will apply, and the Comptroller-General of Customs must be satisfied that the vinyl resin is of good and merchantable quality.

In accordance with the recommendations of the Tariff Board,<sup>29</sup> the copper bounty, which was due to expire on 31st December 1963, has been extended for a further two years.<sup>30</sup> The bounty will remain the same except that small producers will be paid bounty on up to 100 tons over two years instead of 50 tons in any one year.

#### *Loans.*

The Loans Act 1963<sup>31</sup> authorized the borrowing of £62,500,000 for defence purposes.

The Loan (Housing) Act 1963<sup>32</sup> increased the amount of money lent to the States during the year 1962-63 for housing by a further £2,711,000. The money was allocated to the States as follows:—

New South Wales . . . . .	£1,300,000
Victoria . . . . .	250,000
Queensland . . . . .	100,000
South Australia . . . . .	491,000
Western Australia . . . . .	470,000
Tasmania . . . . .	100,000
	<hr/>
	£2,711,000
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The Loan (Housing) Act (No. 2) 1963<sup>33</sup> authorized the lending of £49,850,000 to the States for housing during the year 1963-64. The money was allocated to the States as follows:—

New South Wales . . . . .	£16,500,000
Victoria . . . . .	13,250,000
Queensland . . . . .	4,300,000
South Australia . . . . .	9,400,000
Western Australia . . . . .	3,400,000
Tasmania . . . . .	3,000,000
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	£49,850,000
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<sup>29</sup> See (1963) 40 COMMONWEALTH PARL. DEB. (H. of R.) 2463.

<sup>30</sup> By the Copper Bounty Act 1963 (No. 93 of 1963).

<sup>31</sup> No. 65 of 1963.

<sup>32</sup> No. 6 of 1963.

<sup>33</sup> No. 56 of 1963.



The Loan (Australian National Airlines Commission) Act 1963<sup>34</sup> and the Loan (Qantas Empire Airways Limited) Act 1963<sup>35</sup> authorized the Commonwealth to borrow U.S. \$11,000,000 and U.S. \$9,000,000 from the Morgan Guaranty Trust Company of New York on behalf of the Australian National Airlines Commission and Qantas Empire Airways Limited respectively. The purpose of the loans was the purchase of new and up-to-date aircraft.<sup>36</sup>

#### *Customs and Excise.*

The Customs Act 1963<sup>37</sup> amended the Customs Act 1901-1960 so as to alter the method of exercising control over the importation and safe keeping of narcotic drugs. Previously an importer of narcotic drugs had to give security to the Customs for compliance with the Customs Act and the conditions attaching to his licence to import the drugs; a breach of the conditions did not render the importer liable to any penalty, but only to the forfeiture of the security and the goods. Under the new Act breach of the conditions will be a punishable offence. The Act also made several procedural and machinery changes in the old Act with the object of bringing its provisions into line with present day practices, and raised the penalty for smuggling from £100 to £500. Complimentary changes in the Excise Act 1901-1962 were made by the Excise Act 1963,<sup>38</sup> and in the Sales Tax Assessment Act (No. 5) 1930-1953 by the Sales Tax Assessment Act (No. 5) 1963.<sup>39</sup>

#### *Income Tax.*

The Income Tax and Social Services Contribution Assessment Act 1963<sup>40</sup> and the Pay Roll Tax Assessment Act 1963<sup>41</sup> have extended the present tax incentives for developing exports for a further five years.

The Income Tax and Social Services Contribution Assessment Act also made several amendments to the income tax law. Under the existing law courts imposing fines for breaches of the income tax law

<sup>34</sup> No. 31 of 1963.

<sup>35</sup> No. 32 of 1963.

<sup>36</sup> See (1963) 38 COMMONWEALTH PARL. DEB. (H. of R.) 1474-1476.

<sup>37</sup> No. 48 of 1963.

<sup>38</sup> No. 49 of 1963.

<sup>39</sup> No. 45 of 1963.

<sup>40</sup> No. 34 of 1963.

<sup>41</sup> No. 33 of 1963.

were not entitled to allow time for payment: the new Act empowers the courts to allow time for the payment of such fines or to permit payment by instalments. Under the existing law certain classes of income derived from mining operations had been exempt from tax and the exemption had extended to dividends paid out of those exempt profits. Where the recipient of such a dividend was a company, the dividend which it in turn distributed also qualified for exemption. The exemption, however, was lost if the dividend passed through the hands of more than one company interposed between the mining company and the recipient of the dividend. The Act provides that the exemption shall continue when successive companies distribute dividends having their origin in exempt mining income. The exemption on dividends paid out of profits that have borne the undistributed income tax payable by private companies has been extended for a further two years, and the basis of taxation that applied to the short-term seasonal securities issued by the Commonwealth will be continued in the case of the treasury notes that replaced the seasonal securities and will also apply to non-interest-bearing inscribed stock. The existing provisions of the law allowing income tax deductions for gifts of £1 or upward made to the Australian National Committee for the Freedom from Hunger Campaign not later than 30th June 1963 have been extended for one year. The Act also exempted from tax the educational allowances paid by the Commonwealth to persons who are in Australia solely for the purpose of pursuing a course of study or training. Allowances by way of scholarships etc. to full-time students and trainees were already exempt from tax; the new exemptions will apply to part-time students and trainees. The exemption applies only to educational allowances made by the Commonwealth and not to any other remuneration which the students or trainees may derive.

The Income Tax and Social Services Contribution Act 1963<sup>42</sup> made no change in the rates of income tax, but raised the minimum amount of taxable income upon which tax is payable from £104 to £209. The amount of tax-free income receivable by a person of pensionable age has been raised from £455 to £481, and the measure of tax relief available to persons of pensionable age with a net income not greater than £520 has been extended to those with a net income not in excess of £556. Provision for tax exemption and marginal relief for married couples of pensionable age will now apply in cases where only one of the married couple is of pensionable age.

<sup>42</sup> No. 70 of 1963.

<sup>43</sup> No. 69 of 1963.

Several changes in income tax law were made by the Income Tax and Social Services Contribution Assessment Act (No. 2) 1963.<sup>43</sup> The Act gave new allowances to primary producers. A primary producer will be allowed an income tax deduction of 20 per cent. of the cost of new plant in the year in which the plant is first used, or installed ready for use, in producing assessable income, as an investment allowance: this investment allowance is in addition to the existing depreciation allowance. The cost of extending telephone lines to a property used for primary production, and the cost of constructing or altering fences to protect land from the ravages of animal pests or to control the adverse effects of naturally occurring mineral salt, have also been made allowable deductions. The cost of the extension lines will be allowed in ten equal instalments over ten years, commencing in the year in which the expenditure was incurred; the fencing costs, however, will be allowed as an outright deduction in the year of expenditure. Persons engaged in the planting or tending of trees for felling or in felling trees for milling are to be regarded as primary producers; and expenditure on certain mill buildings and housing for employees will be deductible on the same basis as expenditure on timber access roads. The Act also gave increased allowances to private companies. Private companies will be allowed to retain free of undistributed income tax 50 per cent. of the first £5,000 of their distributable income, 45 per cent. of the next £5,000, and 40 per cent. of the balance. When a private company has made a full disclosure of facts necessary for assessment, and the issue of an original primary tax assessment is delayed or an amended primary tax assessment is issued increasing the taxable income previously calculated, the Commissioner of Taxation may extend the period during which the company may make a sufficient distribution of its distributable income in order to avoid undistributed income tax. Several changes were made in the field of concessional deductions. The maximum amount of deductions for education expenses of a dependent child has been raised from £100 to £150, and the ceiling of £150 on deductions for medical expenses has been removed. Government assistance granted for the purpose of educating a child, and taking the form of payments for the child's school or university fees, will not be taken into account in determining the deduction available for the maintenance of a student child: other government assistance, such as living allowances, will be regarded as separate net income of the child, and will no longer be subtracted in full from the maintenance deduction otherwise available to the parent of a student child. A student child may earn a separate income of up to £65 a year without affecting the mainten-

ance deductions available to its parents; where the separate net income exceeds £65 a year the maintenance deductions otherwise allowable will be reduced by £1 for each £1 by which the separate net income exceeds £65. The maximum allowable deduction for funeral expenses has been increased to £50 for each death. The Act exempted from income tax dividends distributed out of realized capital profits and satisfied by the issue of bonus shares, and extended the classes of gifts and business expenses which are allowable deductions. Under the existing law some flat owners had not been able to obtain a deduction for rates effectively paid by them because, due to various own-your-own flat company arrangements, they were not personally liable for those rates: the Act has provided that such payments will now be deductible. The Act made several alterations to taxation provisions relating to the search for oil. Government subsidies for oil search operations, both past and future, will be exempt from taxation: the deductions from income derived from the production of petroleum allowed for expenditure incurred in petroleum prospecting and mining operations has been extended to expenses associated with the raising of capital for petroleum prospecting and mining operations and to expenditure on residential accommodation and amenities provided for mining employees or their dependants at or near the mining site, and expenditure on the purchase of rights to prospect or mine for petroleum and of technical information relating to a particular area has also been brought within the scope of the capital expenditure that may qualify for deduction: pipe lines used to transport petroleum from a well to a refinery or terminal will be eligible for special depreciation allowances. American civilians and military personnel employed at the naval communication station at North-West Cape will be exempt from Australian income tax: the exemption will apply only to income derived solely as a result of their connexion with the establishment or maintenance of the communication station. The Income Tax (International Agreement) Act 1963<sup>44</sup> has provided that American contractors who come to Australia for the purpose of establishing the North-West Cape station will not, for the reason only that they are carrying on business in Australia for that purpose, become liable to a higher rate of Australian tax than could otherwise apply to dividends which they may receive from Australian companies. Such Americans have also been exempted from Australian estate duty and gift duty in respect of property subject to American estate duty and gift duty.<sup>45</sup>

<sup>44</sup> No. 71 of 1963.

<sup>45</sup> By the Estate Duty Assessment Act 1963 (No. 72 of 1963) and the Gift Duty Assessment Act 1963 (No. 73 of 1963).

### *Estate Duty.*

The Estate Duty Assessment Act 1963<sup>46</sup> has increased the exemptions from estate duty. The maximum exemptions have been increased from £5,000 to £10,000 where the estate passes wholly to a deceased's widow, widower, children or grandchildren, and from £2,500 to £5,000 where the estate does not pass to a deceased's widow, widower, children or grandchildren. The increased exemptions will diminish by £1 for every £4 by which the value of the estate exceeds the maximum, instead of by £1 for every £3 as was previously the case.

### *Sales Tax.*

The Sales Tax (Exemptions and Classification) Act 1963<sup>47</sup> made a number of exemptions from and reductions in sales tax. It also closed two loopholes in the existing law. Previously goods imported from Norfolk Island were exempt from sales tax. This exemption was intended to apply only to goods produced in Norfolk Island, but it did in fact apply also to goods which were imported into Norfolk Island from abroad and then re-exported into Australia free of tax.<sup>48</sup> The exemption will now apply only to goods produced or manufactured in Norfolk Island and which are of a kind which would be exempt from sales tax if produced or manufactured in Australia. Australians living in Malaysia will no longer be able to buy Australian motor-cars in Malaysia free of Australian sales tax and then bring them back into Australia on a tax-free basis.<sup>49</sup>

### *Financial Assistance to the States.*

The States Grants (Additional Assistance) Act 1963<sup>50</sup> authorized the payment to the States of an additional non-repayable grant of £5,000,000 for expenditure on employment-giving activities in addition to the £12,500,000 already authorized by the States Grants (Additional Assistance) Act 1962 and the States Grants (Additional Assistance) Act (No. 2) 1962. The payments authorized by these Acts now total £17,500,000, divisible amongst the States as follows:—

New South Wales . . . . .	£4,646,000
Victoria . . . . .	3,727,000
Queensland . . . . .	4,240,000

<sup>46</sup> No. 72 of 1963.

<sup>47</sup> No. 44 of 1963.

<sup>48</sup> See (1963) 39 COMMONWEALTH PARL. DEB. (H. of R.) 62.

<sup>49</sup> *Ibid.*

<sup>50</sup> No. 4 of 1963.

South Australia . . . . .	2,003,000
Western Australia . . . . .	1,364,000
Tasmania . . . . .	1,520,000
	<hr/>
	£17,500,000

The States Grants (Additional Assistance) Act (No. 2) 1963<sup>51</sup> authorized the payment to the States of a non-repayable assistance grant of £20,000,000 divisible among the States as follows:—

New South Wales . . . . .	£6,408,000
Victoria . . . . .	5,140,000
Queensland . . . . .	2,400,000
South Australia . . . . .	2,762,000
Western Australia . . . . .	1,882,000
Tasmania . . . . .	1,408,000
	<hr/>
	£20,000,000

The States Grants (Special Assistance) Act 1963<sup>52</sup> authorized the payment of a special grant of £11,450,000 to the States of Western Australia and Tasmania. Western Australia got £6,072,000 and Tasmania £5,378,000.

#### *Education.*

The States Grants (Universities) Act 1963<sup>53</sup> authorized the Commonwealth to pay £242,500 to New South Wales for the University of New South Wales, £114,000 to Victoria for Monash University, and £63,500 to South Australia for the University of Adelaide, Bedford Park College.

Following the report of the Australian Universities Commission,<sup>54</sup> the Universities (Financial Assistance) Act 1963<sup>55</sup> and the States Grants (Universities) Act (No. 2) 1963<sup>56</sup> authorized the Commonwealth to grant £60,000,000 to various State universities through the States for the triennium 1964-66.

<sup>51</sup> No. 36 of 1963.

<sup>52</sup> No. 76 of 1963.

<sup>53</sup> No. 5 of 1963.

<sup>54</sup> See (1963) 40 COMMONWEALTH PARL. DEB. (H. of R.) 1981.

<sup>55</sup> No. 68 of 1963.

<sup>56</sup> No. 75 of 1963.

### *Commonwealth Inscribed Stock.*

The Commonwealth Inscribed Stock Act 1963<sup>57</sup> made it possible for subscribers to special bonds and treasury-notes to take advantage of the facilities for inscription of securities which are provided for investors in Commonwealth loans. The Act also raised the amount of inscribed stock which may be transmitted on death without the production of probate or letters of administration from £100 to £600.

### *Commonwealth Banks.*

The Commonwealth Banks Act 1963<sup>58</sup> increased the capital of the Commonwealth Development Bank of Australia by a further £5,000,000.

## IV. DEFENCE.

### *Visiting Forces.*

The Defence (Visiting Forces) Act 1963<sup>59</sup> gave effect to the Status of Forces Agreement made with the United States.<sup>60</sup> Under the provisions of the Act the service tribunals of visiting forces are permitted to exercise full jurisdiction over members of their forces, and Australian jurisdiction over member of those forces is ousted in the case of offences against the security of the sending country, offences against other members of the same force and offences committed in the performance of duty; in addition, the Attorney-General has power to waive Australian jurisdiction when requested to do so: the certificate of the Attorney-General will be *prima facie* evidence as to whether any alleged offence was committed in the performance of duty. The Act also made provision for the arrest of deserters from visiting forces and the attachment of Australian personnel to visiting forces and *vice versa*, and gives the commander of a combined force powers of discipline over Australian forces under his command.

The Act was passed to deal with the situation created by the presence in Australia of American forces following the North-West Cape Agreement, but its provisions apply to all Commonwealth countries and to such other countries as may be declared by regulation; however, the only non-Commonwealth country to which the Act has so far been applied is the United States of America.<sup>61</sup>

<sup>57</sup> No. 18 of 1963.

<sup>58</sup> No. 57 of 1963.

<sup>59</sup> No. 81 of 1963.

<sup>60</sup> See (1963) 40 COMMONWEALTH PARL. DEB. (H. of R.) 2259.

<sup>61</sup> *Ibid.*

## V. INDUSTRIAL RELATIONS.

### *Stevedoring Industry.*

The Stevedoring Industry Act 1963<sup>62</sup> suspended the operation of the controversial section 52A of the Stevedoring Industry Act 1956-1962, and froze attendance money debits incurred by workers as at 17th September 1963.

## VI. TRADE, COMMERCE AND INDUSTRIAL PROPERTY.

### *Copyright.*

The Copyright Act 1963<sup>63</sup> amended section 13A of the Copyright Act 1912-1950, which dealt with voluntary arbitrations in copyright disputes. Under the existing law the arbitration would be governed by the arbitration law of the State in which it took place: the new Act provides a uniform Commonwealth-wide law to govern such arbitrations.

### *Insurance.*

The Insurance Act 1963<sup>64</sup> amended the Insurance Act 1932-1960. Under the existing law insurers were required to maintain deposits with the Treasurer which would be available to satisfy any final claim made by a policy-holder under his policy; these deposits were available for payment of claims for refunds of premiums as well as claims in respect of risks insured against. The new Act provides that the deposits will not be available for payment of claims for refunds of premiums.

## VII. PRIMARY PRODUCTION.

### *Wool.*

The Wool Tax Assessment Act 1963,<sup>65</sup> the Wool Tax Act (No. 1) 1963<sup>66</sup> and the Wool Tax Act (No. 2) 1963<sup>67</sup> extended the existing levy of 10/- a bale for wool promotion until 30th June 1964.

### *Dairy Produce.*

The Dairy Produce Export Control Act 1963<sup>68</sup> and the Dairy Produce Research and Sales Promotion Act 1963<sup>69</sup> changed the con-

<sup>62</sup> No. 58 of 1963.

<sup>63</sup> No. 7 of 1963.

<sup>64</sup> No. 17 of 1963.

<sup>65</sup> No. 1 of 1963.

<sup>66</sup> No. 2 of 1963.

<sup>67</sup> No. 3 of 1963.

<sup>68</sup> No. 79 of 1963.

<sup>69</sup> No. 80 of 1963.



stitution of the Australian Dairy Produce Board by abolishing the position of the member of the board responsible for the administration of the research and promotion programmes and providing for the appointment of a deputy chairman from among the sitting members of the board.

### *Wheat.*

The fourth wheat industry stabilization plan<sup>70</sup> was put into effect by the Wheat Industry Stabilization Act 1963<sup>71</sup> and the Wheat Export Charge Act 1963.<sup>72</sup> Under the plan, which will last for five years, the Australian Wheat Board will be the sole authority for the marketing of wheat within Australia and for the marketing of wheat and flour for export from Australia. There will be a guaranteed price, guaranteed by the Commonwealth, for 150,000,000 bushels of export wheat; the guaranteed price will be 14/5 per bushel in the first year, and will be adjusted in succeeding years according to movements in production costs. A home consumption price will be fixed by State legislation and will be based on the guaranteed price. The growers will contribute to the stabilization fund, which will have a ceiling of £30,000,000, by means of an export tax equal to the excess of export returns over the guaranteed return with a maximum tax of 1/6 per bushel. A loading, at present 1½d. per bushel, will be continued on the price of all wheat sold for consumption in Australia to cover the cost of transporting wheat from the mainland to Tasmania. The premium on wheat exported from Western Australia will continue, but has been altered from the previous 3d. per bushel to the amount of the actual freight advantage shown by Western Australia up to a maximum of 3d. per bushel.

### *Canned Fruits.*

The Canned Fruits Export Marketing Act 1963<sup>73</sup> enlarged the compensation and extended the powers of the Australian Canned Fruits Board. Previously the board had consisted of one member to represent co-operative canner interests, one member to represent the interests of proprietary canners, one member to represent the growers of deciduous canning fruit, one member to represent the interests of canners of pineapple products and one member to represent the Com-

<sup>70</sup> See (1963) 40 COMMONWEALTH PARL. DEB. (H. of R.) 2264.

<sup>71</sup> No. 83 of 1963.

<sup>72</sup> No. 84 of 1963.

<sup>73</sup> No. 89 of 1963.

monwealth Government; co-operative canners, proprietary canners, and growers will now be represented by three members each. The chairman will in future be elected by the board, instead of being appointed by the Minister as was previously the case, and the board may, with the consent of the Minister, appoint a chairman from outside its members; in such a case the chairman will be an additional member of the board. The Act authorizes the board to use funds collected from the industry to promote exports. The board is also empowered to borrow money to finance the purchase of canned deciduous fruits offered by canners to the board.

### VIII. INTERNATIONAL AGREEMENTS.

#### *Air Navigation.*

The Air Navigation Act 1963<sup>74</sup> amended the Air Navigation Act 1920-1961 so as to carry into effect an amendment to the Chicago Convention on International Civil Aviation adopted at the Fourteenth Assembly of the Civil Aviation Organization which was held at Rome in August and September 1962. Prior to the amendment an extraordinary meeting of the assembly of the organization could be called at the request of ten member states; now such a meeting can be called at the request of one-fifth of the number of member states, in practice an increase from ten to twenty.<sup>75</sup>

#### *Naval Communication Station at North-West Cape.*

The United States Naval Communication Station Agreement Act 1963<sup>76</sup> gave approval to the agreement whereby the Australian Government permitted the American Government to establish, maintain and operate a naval communication station at North-West Cape in Western Australia for a minimum period of twenty-five years. Under the terms of the agreement the station may not be used for purposes other than purposes of defence communications without the consent of the Australian Government, and Australian authorities may at all times have access to the station. The agreement provides that the United States Government will retain title to all materials brought into Australia for the purposes of the station, even although they may technically have become fixtures, but the American Government may not dispose of such materials in Australia without the consent of the Australian Government. The Australian national flag will

<sup>74</sup> No. 8 of 1963.

<sup>75</sup> See (1963) 38 COMMONWEALTH PARL. DEB. (H. of R.) 1068.

<sup>76</sup> No. 30 of 1963.

be flown on a separate and adjacent flagstaff whenever the United States flag is flown at the station.

#### *Submarine Cables and Pipelines.*

The Submarine Cables and Pipelines Act 1963<sup>77</sup> gave effect to the Geneva Convention on the High Seas of 1958. Under the terms of the Act anyone who breaks or injures a submarine cable or pipeline is liable to a penalty of £1,000 or one year's imprisonment if the act was done wilfully, or £500 or three months' imprisonment if the act was done through culpable negligence. A person who breaks or injures a submarine cable or pipeline in the course of laying or repairing a cable or pipeline is liable to bear the cost of repairing the break or injury. When an anchor, a net or any other fishing gear belonging to a ship is sacrificed in order to avoid damage to a submarine cable or pipeline, the owner of the ship is entitled to be indemnified by the owner of the cable or pipeline.

#### *International Development Association.*

The International Development Association (Additional Contribution) Act 1963<sup>78</sup> gave Parliamentary approval to the payment of U.S. \$19,800,000 to the International Development Association.

#### *Overseas Telecommunications.*

The Overseas Telecommunications Act 1963<sup>79</sup> authorized the Overseas Telecommunications Commission to establish and maintain cable and wireless communications between Australia and Nauru, and also authorized the Commission, subject to Ministerial approval, to establish and maintain cable and wireless telecommunication systems outside Australia. The Act also gave Parliamentary approval to the Commonwealth Telegraphs Agreement of 1963, which modified the Commonwealth Telegraphs Agreement of 1948 so as to recognize the admission of new partners to the agreement, the withdrawal of South Africa from the Commonwealth, and the substitution of the Federation of Rhodesia and Nyasaland for Southern Rhodesia as a partner.

### IX. FEDERAL TERRITORIES.

#### *Papua and New Guinea.*

The Papua and New Guinea Act 1963<sup>80</sup> amended the Papua and New Guinea Act 1949-1960 so as to make important changes in the

<sup>77</sup> No. 61 of 1963.

<sup>78</sup> No. 66 of 1963.

<sup>79</sup> No. 85 of 1963.

<sup>80</sup> No. 27 of 1963.

constitution of the Legislative Council and the Administrator's Council.<sup>81</sup>

The total membership of the Legislative Council has been raised from 37 to 64, of whom 54 are elected members. Of these elected members 44 are elected from a common roll in single-member constituencies known as open electorates and ten are elected on a common roll in single-member constituencies known as reserved electorates: in the reserved electorates only non-indigenous candidates may be elected, although all voters take part in their election. The Administrator is no longer an ex-officio member and president of the legislature, which elects its own Speaker, and the normal term of the legislature has been increased from three to four years. Finally the name of the legislature has been changed from the Legislative Council to the House of Assembly.

The membership of the Administrator's Council has been raised from seven to eleven. Previously the Council was comprised of the Administrator, three official members of the Legislative Council and three non-official members, of whom at least two had to be elected members. Now the Council consists of the Administrator, three official members and seven non-official members, all of whom must be elected members of the House of Assembly.

#### *Norfolk Island.*

The Norfolk Island Act 1963<sup>82</sup> amended the Norfolk Island Act 1957 so as to alter the powers of the Norfolk Island Council. Under the old Act the Council had a general power to advise the Administrator, and also possessed wide powers of local government. The new Act takes away the governmental functions of the Council and provides that when the Administrator disagrees with the advice tendered to him by the Council, the Administrator must inform the Minister of the advice and his reasons for disagreeing with it, seek the directions of the Minister on the matter, and refrain from taking any action until he receives those directions.

The Act also altered the constitution of the Supreme Court of Norfolk Island. Previously the Supreme Court consisted of a single judge: now the Governor-General may appoint as judges of the Supreme Court persons who are judges of a federal court. The effect

<sup>81</sup> The then Minister for Territories, Mr. Hasluck, referred to the Act in his second reading speech as the Constitution of the Territory of Papua and New Guinea: See (1963) 38 COMMONWEALTH PARL. DEB. (H. of R.) 1071.

<sup>82</sup> No. 101 of 1963.

will be that judges will act on a roster when taking duty on the Norfolk Island Supreme Court, rather than one judge always performing that duty.<sup>83</sup>

## X. STATUS AND SOCIAL SERVICES.

### *Pensions.*

The Social Services Act 1963<sup>84</sup> made increases in invalid, age, and widows' pensions. The maximum pension payable to single pensioners has been increased from £5. 5. 0 to £5. 15. 0 a week, which is now the standard rate. The additional payment for each child after the first of invalid and permanently incapacitated age pensioners has been increased from 10/- to 15/- a week, and when the child is a full-time student the additional payments will continue until the child is eighteen, instead of ceasing at sixteen. The wife's allowance payable to the wife of an invalid or permanently incapacitated age pensioner has been increased to £3 a week. The basic maximum rate payable to class A widows<sup>85</sup> has been increased from £5. 10. 0 to £5. 15. 0 a week, and in addition they will receive a mother's allowance of £2 a week and an allowance of 15/- a week for the first child; allowances payable for a child who is a full-time student will continue until that child is eighteen years of age. The maximum pension payable to class B widows<sup>86</sup> and class C widows<sup>87</sup> has been increased from £4. 12. 6 to £5. 2. 6 a week. Where a pensioner who is an inmate of a benevolent home is entitled to an increased pension, 3/- of the increase in the basic pension will be payable to the pensioner.

The Repatriation Act 1963<sup>88</sup> increased repatriation benefits. The special or T.P.I. rate of war pension has been increased to £3. 15. 0 a week, and the class B rate for tuberculosis<sup>89</sup> has been increased to £9. 15. 0 a week. The special rate of medical sustenance payable to ex-servicemen receiving in-patient treatment for a war caused disability, and during essential convalescence after discharge from hos-

<sup>83</sup> See (1963) 40 COMMONWEALTH PARL. DEB. (H. of R.) 2413.

<sup>84</sup> No. 46 of 1963.

<sup>85</sup> Class A widows are widows with one or more children.

<sup>86</sup> Class B widows are widows over fifty years of age who have no dependant children.

<sup>87</sup> Class C widows are widows under fifty years of age who have no dependant children but who are in necessitous circumstances immediately following their husbands' deaths.

<sup>88</sup> No. 47 of 1963.

<sup>89</sup> This rate applies to sufferers from tuberculosis who, whilst not being totally incapacitated, are capable of only light or intermittent work.

pital, has been increased to £3. 15. 0 a week. The domestic allowance payable to war widows who are over fifty years of age, who are permanently unemployable or who have a child under the age of sixteen or over that age receiving approved education, has been increased to £3. 10. 0 a week. The Act also made an overall increase of 15 per cent. in the rates of education allowance payable to students under the soldiers' children education scheme. The allowance paid in respect of second and subsequent children of permanently unemployable pensioners has been increased to 15/- a week, and children's allowances which stopped when the child was sixteen will continue until the child is eighteen if he is a full-time student. The service pension payable to a wife has been increased to £3 a week. The Act also extended the appeal rights of an ex-serviceman who claims that his disability is a sequela of tuberculosis due to war service.

The Superannuation Act 1963<sup>90</sup> increased superannuation pensions to the level which would apply had the pensions been determined under the scale of units contained in the Superannuation Act 1959 applied to the salaries in force after the marginal increases in salaries in 1959, and increased the rate of pensions for more senior officers, so that no officer will receive a pension of less than 50 per cent. of his terminal salary. The Act also introduced a new formula for computing pensions, so that in future the determined proportions of pension to salary will automatically be preserved. The Defence Forces Retirement Benefits Act 1963<sup>91</sup> made similar changes in service pensions.

#### *International Organizations.*

The International Organizations (Privileges and Immunities) Act 1963,<sup>92</sup> which repealed the International Organizations (Privileges and Immunities) Act 1948 and the International Organizations (Privileges and Immunities) Act 1960, laid down the law governing the granting of privileges and immunities in Australia to international organizations and persons connected with them. The Act grants privileges and immunities to such international organizations as regulations shall prescribe, and grants diplomatic immunity to high officers of such organizations. Other officials are granted a lesser degree of immunity, jurisdictional immunity being confined to official acts. The Act also grants diplomatic immunity to persons attending international conferences in Australia and to judges and officials of

<sup>90</sup> No. 102 of 1963.

<sup>91</sup> No. 103 of 1963.

<sup>92</sup> No. 50 of 1963.

the International Court of Justice. Finally the Act made it a criminal offence to use the name or abbreviation of the name of an international organization to which the Act applies for commercial purposes without Ministerial permission, or to use the seal or emblem of such an international organization, or a similar seal or emblem, without Ministerial permission. Nobody may be convicted for using the abbreviation of the name of an international organization if the use took place in such circumstances that it was unlikely to imply any connexion with the organization, unless the prosecution proves that the use was intended to imply such a connexion, and no proceedings may be instituted under this part of the Act without the consent of the Attorney-General.

Consequential amendments were made to the International Development Association Act 1960, the International Finance Corporation Act 1955-1961, the International Monetary Agreements Act 1947 and the World Health Organization Act 1947 by the International Development Association Act 1963,<sup>93</sup> the International Finance Corporation Act 1963,<sup>94</sup> the International Monetary Agreements Act 1963,<sup>95</sup> and the World Health Organization Act 1963.<sup>96</sup>

#### *Disabled Persons.*

The Disabled Persons Accommodation Act 1963<sup>97</sup> authorized the Director-General of Social Services to make grants to approved welfare organizations to assist them in providing accommodation for disabled persons working in the sheltered workshops so that they may reside near their places of employment. The grants will be on a £2 for £1 basis.

#### *National Health.*

The National Health Act 1963<sup>98</sup> amended the National Health Act 1953-1962 so as to remove the requirements that contributors must be transferred to the special account on reaching the age of sixty-five and that special account contributors may not be paid benefits in excess of the hospital's charges. Under the existing law hospital funds used to pay benefits from their ordinary accounts for a maximum number of days and then transfer contributors to the special account: the new Act enables funds to transfer the liability for these contribu-

<sup>93</sup> No. 51 of 1963.

<sup>94</sup> No. 52 of 1963.

<sup>95</sup> No. 53 of 1963.

<sup>96</sup> No. 54 of 1963.

<sup>97</sup> No. 63 of 1963.

<sup>98</sup> No. 77 of 1963.

tors to the special account 21 days before the maximum period terminates.

## XI. NATIONAL DEVELOPMENT.

### *Public Works Committee.*

The Public Works Committee Act 1963<sup>99</sup> raised the total appropriation for allowances for the chairman and members of the Parliamentary Standing Committee on Public Works for the financial year 1962-63 from £5,000 to £6,500.

### *Western Australia.*

The Western Australia (Northern Development) Agreement Act 1963<sup>1</sup> gave Parliamentary approval to an agreement by the Commonwealth to pay Western Australia £3,500,000 for development of the northern part of the State, and in particular to build a new jetty at Broome and to construct irrigation works for the Ord River irrigation scheme.

### *Water Storage Schemes.*

The Blowering Water Storage Works Agreement Act 1963<sup>2</sup> gave Parliamentary approval to an agreement between the Commonwealth and New South Wales for the construction of water storage works at Blowering, and for Commonwealth financial assistance for the scheme.

The Snowy Mountains Hydro-electric Authority Act 1963<sup>3</sup> extended the term of office of the Commissioner of the Snowy Mountains Hydro-electric Authority for a further three years.

The River Murray Waters Act 1963<sup>4</sup> gave Parliamentary approval to an agreement between the Commonwealth, New South Wales, Victoria and South Australia amending the River Murray Waters Agreement to provide for the construction of a major storage at Chowilla. The Menindee Lakes Storage Agreement Act 1963<sup>5</sup> and the Chowilla Reservoir Agreement Act 1963<sup>6</sup> gave Parliamentary approval to two supplementary agreements relating to the same scheme.

W.E.D.D.

<sup>99</sup> No. 15 of 1963.

<sup>1</sup> No. 87 of 1963.

<sup>2</sup> No. 95 of 1963.

<sup>3</sup> No. 96 of 1963.

<sup>4</sup> No. 98 of 1963.

<sup>5</sup> No. 99 of 1963.

<sup>6</sup> No. 100 of 1963.