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V. INDUSTRIAL RELATIONS.

Conciliation and Arbitration.

Section 3 of the Conciliation and Arbitration Act,[1] increases the number of judges of the Commonwealth Industrial Court from three to four. Judges of this Court have functions other than those on the Industrial Court. They assist in the judicial work of the Supreme Court of the Australian Capital Territory, and are also additional judges of the Supreme Court of the Northern Territory, and of smaller external territories such as Cocos Island, Christmas Island, and Norfolk Island. The Chief Justice has undertaken a number of quasi-judicial assignments; for example since 1961 he has been the judge appointed under the Navigation Act to conduct courts of marine enquiry. Industrial cases are frequently of such a nature that they must come on without delay, and it was thus felt desirable by the Government, that the Chief Justice should be able to assemble a court of three, with little or no notice. At the same time it is not desirable that their ability to continue giving assistance in their other functions should be curtailed. The increase in number of judges was therefore effected.

Recently the Governor of Fiji requested that one of our senior judges be made available to sit as a member of their Court of Appeal perhaps three times a year, for about two weeks on each occasion. Section 4 of the Act places beyond doubt, that acceptance of such judicial office as this (which is outside the Commonwealth and its territories) does not affect office as Judge of the Industrial Court. Though the Fiji situation was the one in mind prompting the section, the section is framed in general terms[2] and also refers to judicial appointments in Commonwealth territories to exclude any inconsistency in this regard. No remuneration is given in respect of appointments such as the Fijian one, though travelling and other expenses may be given. A judge absent on such an appointment is by subsection (3) of section 4 deemed absent on leave.

1 No. 99 of 1964.

2 ". . . any part of Her Majesty's Dominions outside the Commonwealth and the territories of the Commonwealth."

Compensation.

The purpose of the Commonwealth Employees' Compensation Act[3] is to increase the monetary benefits provided under the previous legislation and introduce a new form of benefit in respect of dependant children under 16 of a Commonwealth employee whose death is due to compensable injury or disease. Previous rates were fixed in 1959. Benefits payable on death are increased from £3,000 to £4,300. Under the Principal Act an additional £100 was provided for each dependant child under 16 years of age. Part of the total compensation was invested to provide for weekly payments of £1.2.6 for each child. In the case of a widow with several young children, this was often a substantial part of the total lump sum benefit. Under the 1964 Act, weekly payments of £1.2.6 for each dependant child under 16, are substituted for the lump sum of £100. This will provide a considerable increase in the cash benefits for a widow left with a young family. In order however that no child be disadvantaged by this change, for example, a child approaching the age of 16, the Act provides that the weekly payment shall be subject to a minimum total payment of £100 for each child. The first schedule is further amended with respect to the rates of weekly payment in respect of incapacity for work. The total weekly payment for a married employee with one child under this Act is £15.8.0 which is equivalent to the current six capitals' Federal basic wage. Single employees and minors get proportionate increases. Maximum benefit for specified injuries is also increased from £3,000 to £4,300 with proportionate increases for other specified injuries. This is effected by the insertion of a new third schedule to the Principal Act.

The Act also affects the minimum payment in respect of death where certain payments have been made to the employee before death. This is rarely applied but as it has not been varied since 1954 it is increased by the Act to £700. Aggregate medical expenses are increased from £350 to £500, the discretionary power provided in the Principal Act for additional payments over and above this £500, being maintained.

Since it has always been the practice to maintain as far as possible, uniformity in the monetary benefits provided under the Seamen's Compensation Act 1911-1960 and the Commonwealth Employees' Compensation Act, the Seamen's Compensation Act[4] provides for increases in seamen's compensation rates similar to those proposed

[3] No. 101 of 1964.
[4] No. 102 of 1964.

for Commonwealth employees. Maximum amount of compensation for injury except where such injury results in death or total and permanent incapacity is increased to £4,300. Where death occurs, arrangements for a sum of £4,300 plus weekly payments in respect of children under 16, as in the Commonwealth Employees' Compensation Act, are provided. Weekly payments during incapacity, and medical benefits, are also increased as in the Commonwealth Employees' Compensation Act.

VI. TRADE, COMMERCE AND INDUSTRIAL PROPERTY.

Shipping.

The main amendment introduced by the Australian Coastal Shipping Commission Act[5] relates to the Commission's borrowing powers.[6] Before this Act was passed the Commission was limited to borrowing on an overdraft with a maximum of £5,000,000. The amendment retains this maximum limit of £5,000,000, but extends the sources from which the funds may be borrowed. Money can be borrowed other than by bank overdraft, and also may be borrowed from the Treasurer out of moneys appropriated by Parliament for the purpose. The rate of interest and other terms of loan from the Commonwealth will be determined by the Treasurer, who will fix an interest rate not less than that payable on the preceding long term Commonwealth loan raised by public subscription in Australia. Other amendments made by this Act also give the Commission greater flexibility in the use of its borrowing powers and in the use of money held by the Commission, but not immediately required.

Export Insurance.

The Export Payments Insurance Corporation was established by the Government in 1956 to promote exports by insuring Australian exporters against risks of non-payment not normally insured by commercial insurers. The Export Payments Insurance Corporation Act[7] amends the Principal Act by giving the Export Payments Insurance Corporation power to issue guarantees of payment to banks and other leading institutions, which provide finance for certain types of export transactions. This guarantee of repayment by the Corporation against non-payment by the buyer for any reason, is designed to make banks etc. more amenable to providing finance for exports on credit terms.

5 No. 88 of 1964.
6 See sec. 30 of the Principal Act.
7 No. 104 of 1964.

Guarantees of this sort will not be required for the majority of our exports, which are contracted on a cash or short-term basis. They are therefore confined to transactions in which:—

1. capital or semi-capital goods are involved,
2. value involved is £100,000 or more, and
3. credit terms of two years or more are being extended to the overseas buyer.

By section 11 of the Act, section 16B is inserted in the Principal Act, which enables the Corporation to participate in "national interest" contracts if and to the extent it wishes.[8] The Act also raises the maximum contingent liability of the corporation from £50 million to £75 million. Maximum percentages of cover where specified, are removed from the Act and will be prescribed in Regulations under the Act. This enables changes to be made more easily and gives the Corporation greater flexibility. However no change in these percentages is to be made immediately, and they remain as 85% of loss, where the cause of loss is commercial, and 95% of loss from any other cause—"political risk".

VII. PRIMARY PRODUCTION.

Meat Industry.

The Meat Industry Act[9] repeals the Meat Export Control Act 1935-60 and the Meat Industry Control Act 1946. The objects of the new legislation as given in section 5 of the Act are:—

(a) to promote and control the export and the sale and distribution after export of meat from Australia.

(b) to promote trade and commerce among the States, between States and Territories, and within the territories; and

(c) to encourage the production and consumption of meat in the territories.

To achieve these objects the Act provides for reconstitution of membership of the Australian Meat Board and for a new plan of meat market development and diversification.

By section 8 of the Act, the Meat Board is reconstituted to consist of 9 members; a chairman, five meat producer representatives, two meat exporter representatives, and one representative of the Commonwealth. Members are to be appointed for terms of three years, but are

[8] Liability for guarantees issued in National Interest cases are normally on the Commonwealth Government.

[9] No. 7 of 1964.

eligible for re-appointment at the expiration of their term. In February, 1964, the Australian Meat Board Selection Committee was constituted jointly by the Australian Woolgrowers and Graziers Council and the Australian Wool and Meat Producers Federation, for the purpose of this legislation. This committee consists of four members each, from the Council and Federation and an independant chairman, though there is provision made within its constitution for the admission of new member organisations. The main function of the Selection Committee is the nomination (to the Minister) of the meat producer representatives for appointment to the Board. The appointment of the Chairman of the Board is made by the Minister, after consultation with the Selection Committee.

The basic element of the industry proposals, is the establishment of a fund by way of a levy on cattle, sheep, and lamb slaughterings, to provide the necessary finance to undertake additional measures to develop new markets. Such funds, other than those collected for beef research, will be administered by the Australian Meat Board.

Such financial provisions are made in legislation accompanying the Meat Industry Act. By the Live-stock Slaughter Levy Act[10] a levy is imposed upon the slaughter of livestock.[11] The rate of levy will be prescribed by regulations on the recommendation of the Australian Meat Board, though maximum rates are set out in section 6 of the Act. The levy is payable by the person owning the livestock at the time of slaughter. The Livestock Slaughter Levy Collection Act[12] provides the machinery necessary for collection of the levy imposed by the Livestock Slaughter Levy Act. The Meat Export Charge Repeal Act[13] and the Cattle Levy Repeal Act[14] repeal the Meat Export Charge Act 1935-1954 and the Cattle Slaughter Levy Act 1960, as money collected under these acts which was used to finance the Australian Meat Board and the cattle and beef research scheme, is now collected under the Livestock Slaughter Levy Act of 1964.

Under the Meat Industry Act, apart from its powers to use funds for the development of overseas markets, the Australian Meat Board may use funds for additional meat promotion both in Australia and overseas. Where there are special marketing circumstances such as would preclude the effective participation of private traders, the Board, after consultation with the Australian Meat Exporters Federal

10 No. 8 of 1964.
11 Cattle, sheep and lambs.
12 No. 9 of 1964.
13 No. 10 of 1964.
14 No. 11 of 1964.

Council, may purchase, sell and export meat. In connection with the exercise of this power, a consultative committee comprising four members from each of the Australian Meat Exporters Federal Council and the Australian Meat Board, and the Chairman of the Board, is established by section 25(4) of the Act. The Meat Board, however, retains the final decision on the exercise of the power. The Board may also purchase and sell meat (with the approval of the Minister) for the purpose of administering any national undertaking to which Australia is a party.

Although, according to Mr. Adermann, the Minister for Primary Industry, "one of the basic objectives of the industry proposals is to avoid wherever possible the use of export quotas", section 29 of the Act enables regulations under the Act to control exports. Such regulations however can only be made subject to the approval of the Minister in consultation with the Board.

Finally, in connection with the Meat Industry Act, mention should be made of the Cattle and Beef Research Act.[15] This amends the Principal Act[16] by providing that the Australian Cattle and Beef Research Committee make recommendations to the Australian Meat Board on the rate of the levy to be presented from time to time on cattle under the Livestock Slaughter Levy Act. It also provides for prescription of an amount received under the Livestock Slaughter Levy Collection Act, to be paid into a trust account for cattle and beef research.

Meat Inspection.

Since the Commonwealth has the responsibility of inspecting meat for export markets, and State authorities have the responsibility for inspection of meat for home consumption, in most approved meat establishments, Commonwealth and State officers work together. Obvious disadvantages attach to a system of dual authorities and the desirability for the introduction of a single inspection service has been further emphasised by import conditions applied by authorities in some of Australia's important markets. These conditions require inspection services organised and administered by the National Government. Since this implies overall control of registered export premises, including those processing for home consumption, all inspectors have had to work under Commonwealth veterinary officers.

The Meat Inspection Arrangements Act[17] is primarily intended

[15] No. 12 of 1964.
[16] The Cattle and Beef Research Act, 1960-61.
[17] No. 100 of 1964.

to enable an arrangement to be concluded with the South Australian Government and the Metropolitan and Export Abattoirs Board in South Australia, for Commonwealth officers to inspect both export and home consumption meat in registered export establishments in that State. The Act is expressed however, in terms that enable other States to enter into a similar arrangement if they so desire. The Commonwealth will be reimbursed for the inspection of meat for home consumption.

Wool Industry.

Since 1936 Australian wool growers have paid a levy on their wool to defend wool's share of the total textile market. With the increasing variety and growing production of synthetic fibres and the consequent necessity for more effective wool promotion campaigns, such levies have steadily increased. In 1963 the Australian Wool Board asked producers to support a greatly expanded scheme for wool promotion drawn up by the International Wool Secretariat. Support of the plan entailed a levy on wool, four times greater than that paid under the then existing legislation. In the light of this substantial increase in levies, the Government undertook to match £1 for £1 the amounts contributed by woolgrowers for wool promotion in excess of amounts received that would have been due under previously existing levy rates.

The Wool Industry Act[18] defines the financial commitments of woolgrowers and the Government in regard to wool promotion. Levies will be collected as a single composite percentage deduction from the sale value of wool.[19] The Act accordingly defines the woolgrowers' contribution as the total amount collected by way of levy less an amount equivalent to 2/- a bale for research.[20] The Government's contribution is defined as an amount equal to the total amount collected from growers on a percentage of value basis, less the 10/- per bale that growers paid for promotion under previously existing legislation and the 2/- per bale for research.

Borrowing powers of the Australian Wool Board are widened by section 5 of the Act. Previously they were limited to borrowing monies, with the approval of the Treasurer, for the activities of the Australian Wool Testing Authority. An extension was considered necessary as the times of the greatest financial requirements of the International

18 No. 24 of 1964.

19 See page 448.

20 The contributions to the Wool Research Trust Fund, 2/- per bale by woolgrowers and 4/- per bale by the Government, are not changed by this Act.

Wool Secretariat occur during the early part of the financial year, and it is not until later that most contributions from the wool clip will be paid. The Board is therefore enabled to borrow money for temporary purposes, on overdraft from an approved bank, to enable it to fulfil its commitments to the International Wool Secretariat.

The increase in levies payable by woolgrowers mentioned in discussion of the Wool Industry Act, is defined in the Wool Tax Acts (Nos. 1-5).[21] All five Acts are similar in their provisions, except that they deal with wool passing through different marketing channels. The first relates to wool sold by wool brokers; the second, to wool bought by a registered wool dealer from a person other than a wool broker; the third, to wool purchased by a manufacturer direct from a grower or an unregistered dealer. The fourth, to wool which is subjected by a manufacturer to a process other than securing or carbonising, on behalf of another person who owns the wool. It also covers wool grown by the manufacturer himself. The fifth Wool Tax Act deals with wool which is exported without having been previously taxed at the taxing points provided in the first four Acts.

The Acts change the method of collecting the levy paid by woolgrowers from a unit charge per bale to a percentage of sale value. This was felt to be more equitable in that the flat charge per bale fell rather heavily on growers of low priced wool, as compared with those growing high grade wool. The rate of levy is set at 2 per cent, or, if a lower rate is prescribed in regulations made under section 6 of each Act, then the lower rate. From the second reading speech of Mr. Adermann, speaking to the Wool Tax Act (No. 1) it would appear that the actual rate will be rixed by regulations made under the Acts, recommendations of the Australian Wool Industry Conference being given consideration re this prescribed levy. The new tax will apply to shorn wool only.

The Wool Tax (Administration) Act[22] contains the administrative arrangements for the collection of the levy imposed by the five Wool Tax Acts. The change in the method of collecting the levy paid by wool growers for promotion and research from a charge per bale to a percentage of sale value, required a major modification to the collection procedures. In the case of wool sold by a broker, the taxable value of the wool, is the gross price for which he sells the wool. Wool purchased by a registered dealer and by a manufacturer will be taxed on the purchase price plus an allowance for transport

[21] No. 25 of 1964, No. 26 of 1964, No. 27 of 1964, No. 28 of 1964 and No. 29 of 1964.

[22] No. 30 of 1964.

and handling charges. Where wool is processed by a manufacturer on commission, or grown by the manufacturer, or, where the wool is exported without previously passing through a taxing point, the taxable value of the wool will be assessed by the Australian Wool Board. In the third alternative above, the exporter can enter into an arrangement to have the wool taxed on the price realised overseas, less transport charges incurred in moving the wool overseas.

Wool selling brokers and manufacturers who handle wool that has not previously passed through a taxing point, are required to register with the Commissioner of Taxation; registration carries with it an obligation to furnish a monthly return and remit tax collected to the Commissioner of Taxation. They are empowered to recover the tax from their clients. Exporters only have to register where payment of tax is on price realised at an overseas sale and wool dealers have an option to register or not. If they do, they are bound by the same obligations and rights as the wool brokers.

Wool brokers and registered dealers are required to issue certificates to identify wool on which tax has been paid. These certificates accompany the wool as it changes hands, to avoid double taxation. They may also issue certificates to identify wool which is free from tax. Ships agents are not permitted to accept wool for payment unless it is accompanied by evidence as to payment of tax or arrangements for payment of tax. Under the part of the Act dealing with objections, reviews and appeals, a person dissatisfied with an assessment, has appeal, first to the Commissioner, then to the Board of Review; if a question of law is involved there may be further appeal to the High Court. The decision of the High Court is conclusive.

The Wool Tax Legisaltion Repeal Act[23] repeals all legislation existing before 1964 which governed the imposition, payment, and collection of tax paid by wool growers for promotion and research. The Act contains a saving clause in relation to liability for tax arising out of receipt into store, or export, of shorn wool prior to July 1st 1964. However, unsold wool in brokers' stores as at 30th June 1964, and which was received after 31st March 1964, is liable to tax under the 1964 legislation.

Fruit Marketing.

The main purpose of the Apple and Pear Organisation Act[24] is to amend the Principal Act[25] to give the Australian Apple and Pear

[23] No. 31 of 1964.
[24] No. 38 of 1964.
[25] The Apple and Pear Organisation Act 1938-60.

Board direct power under the Act, to control the quantities of fruit which may be exported to any particular country or countries. The Board previously had power to determine the total quantity of apples and pears to be exported from Australia. This power it has never had occasion to exercise, but it has found it necessary to determine the maximum quantity which could be shipped to a specific market. In exercising this latter control, the Board has relied on powers which it felt were implicit in its general power of export control. To remove doubts as to the validity of this form of control, and also to simplify the administrative aspects thereof, the Act amends section 14 of the Principal Act to give the Board power to determine the quantity of apples or pears, or both, that may be exported to a particular country or countries.

As well as determining quantities for export, the Board also determines the basis on which the quantity determined will be distributed amongst the States. Previously the Board was required to have regard to certain criteria in determining this basis of allocation; in particular to average exports from the States over the past three years. These restrictive criteria are removed by the 1964 Act and the Board is bound only to ensure that the allocation does not result in preference being given to one State over another.

In his second reading speech to the Dried Vine Fruits Stabilisation Act,[26] Mr. Adermann, the Minister for Primary Industry said: "The purpose of this Bill is to implement a scheme for the stabilisation of returns to dried vine fruit growers for a period of five years commencing with the 1964 crop."[27] Such a stabilisation plan was felt to be necessary due to wide fluctuations in the overseas markets, on which markets, the industry relies fairly heavily. The provisions of the Act may be summarised as follows.

The industry is guaranteed a return from seasonal sales of currants, sultanas, and raisins, at levels equal to £5 per ton less than the average cost of production. The average cost of production for 1964 is set out in section 6 subsection (1) of the Act. Subsection (2) places a duty on the Minister to determine and notify in the Gazette, the cost per ton of production of the fruits, as early as practicable in each season. The Minister must also determine and notify in the Gazette the average return from seasonal sales.

Where the average return is less than the guaranteed price, a bounty is payable on the production of currants, sultanas, and raisins,

[26] No. 42 of 1964.
[27] (1964) 42 COMMONWEALTH PARL. DEB. (H. of R.) 1534.

on quantities up to 13,500 tons of currants, 75,000 tons of sultanas, and 11,000 tons of raisins, received for packing. These bounties are paid out of Currant, Sultana and Raisin Stabilisation Funds, which funds are established by section 11 of the Act. Money is paid into these funds in accordance with charges collected under the Dried Vine Fruits Contributory Charges Act 1964,[28] and by sub-section 8 of section 11 the Government will contribute to the Fund, to raise the average returns to the guaranteed price, where there is insufficient industry money in the Fund for that purpose. The amount of the Government bounty in any one season is determined in accordance with a formula given in section 10 sub-section (2). Limits are set on the amount to accumulate in each stabilisation fund, namely, £500,000 in the case of both Currant and Raisin Funds, and £2,000,000 in the case of Sultana Stabilisation Funds. When these limits are exceeded, reimbursement shall be made, firstly to the Government for any contribution it has made to the Fund, and then to growers on a first in first out basis. At the end of the fifth year of the plan the Government will be reimbursed from any credit balance in the Fund, for any outstanding contribution previously made to the Fund and, in the event of the stabilisation scheme not being renewed, any balance will be returned to the growers on a first in first out basis. The Act therefore does not provide for a Government subsidy to the Industry. Within the limits of £5 on either side of the average price per ton, the scheme does not operate, and within the sphere of operation is the added buffer against a direct subsidy arrangement, of repayment to the Government of their contributions under the conditions outlined above.

The Dried Vine Fruits Contributory Charges Act[29] is supplementary to the Stabilisation Act. This Act imposes the charges, to be paid under certain conditions, on dried vine fruits received for packing, for the purposes of the stabilisation scheme referred to above. By section 5 of the Act, subject to the tonnage received being above a stated figure, a charge is imposed on currants, raisins, and sultanas received for packing, when the average return from seasonal sales of each variety exceeds the cost of production by more than £5 per ton. If the varietal tonnage is not above the stated tonnage no charge is payable. The incidence of charges falls on the packer, where the packer has purchased the fruit from the grower or has obtained it under a contract to pack and sell, and to receive the net proceeds of

28 See page 452.
29 No. 43 of 1964.

the sale. Section 8 of the Act prescribes a formula for calculating the rate of charge (if any) with a maximum charge of £10 per ton payable.[30] Where these circumstances do not apply the grower of fruit received for packing is liable to pay the charge.

The Dried Vine Fruits Contributory Charges (Collection) Act[31] provides the machinery for payment and collection of charges under the Dried Vine Fruits Contribution Charges Act. Section 4 of the Collection Act enables the Minister to declare provisional or interim rates of charge which are payable within a prescribed time limit pending the establishment of final rates of charge. A maximum of £10 per ton is set on any provisional charge and a person may be exempt from paying a provisional charge in respect of any season, if the Minister is satisfied that satisfactory arrangements have been made to ensure payment of the final charge at the end of the season in question. Other sections provide for reimbursement or further payments respectively, if the provisional charges exceed, or are less than, the final charge.

According to the Minister for Primary Industry,[32] it is proposed that the Australian Dried Fruits Association will incorporate a company to facilitate the collection of charges and payments under the scheme. The provisional charges will only remain until stable arrangements for payment etc., through the company by all sections of the industry involved are made.

VIII. FEDERAL TERRITORIES.

Papua and New Guinea.

The Papua and New Guinea Act[33] amends the Papua and New Guinea Act 1949-63 to make provision for the office of a senior puisne judge on the Supreme Court of Papua and New Guinea: the major consideration behind this innovation, is that it would facilitate the establishment of a Full Supreme Court of Papua and New Guinea, in the event of provision being made for appeals to be heard in the Territory. A system of appeals from the decision of a single judge to the Full Supreme Court of the Territory would necessitate an alternative chairman to the Chief Justice, where his decisions were the subject of appeal. Section 3 of the Act accordingly amends section 58

30 Sec. 8 of the Dried Vine Fruits Contributory Charges (Collection) Act, 1964, provides for the packer to recover the charges from the grower.

31 No. 44 of 1964.

32 (1964) 42 COMMONWEALTH PARL. DEB. (H. of R.) 1536 and 1538.

33 No. 103 of 1964.

of the Principal Act and gives the Governor General power to appoint one of the judges of the court to be Senior Puisne Judge, with seniority next after the Chief Justice.

IX. SOCIAL SERVICES.

Child Endowment.

The Social Services Act[34] makes three major amendments to the child endowment scheme.[35] Firstly, it increases from 10/- to 15/- per week the rate of child endowment for third and subsequent children under 16 years of age in families. Rates of payment therefore stand at 5/- for the first or only child, 10/- for a second child and 15/- for third and subsequent children. Secondly, endowment is payable at the rate of 15/- per week to parents (or persons in custody, care and control of the child) of students between 16 and 21, who are involved in full time education at schools, colleges or universities, and who are not employed. The receipt of a scholarship or other educational grant by the student will not affect payment of the endowment to his parent or guardian. However full time students under-taking their studies (other than secondary school) as a condition of employment, and who are receiving a normal wage or salary, are not covered. This applies to cadets, apprentices, nurses and trainee teachers, and others who receive education and training as part of their employment, or who are bound to an employer or future employer. Apart from the above exception the prime qualification is that the child is a full time student. Part time employment is not necessarily inconsistent with full time studies, and the Act gives the Director-General of Social Services a discretion to direct that employment may be disregarded, and where a full time student is employed, the case will be looked at and treated on its merits. Finally the Act increases from 10/- to 15/- per week the rate of endowment for children who are the inmates of institutions approved for child endowment purposes.[36]

The Social Services Act (No. 2)[37] increases the rate of age and invalid pension for single and widowed pensioners, and for married persons qualified to receive the single rate,[38] by 5/- per week to make

34 No. 3 of 1964.

35 See Social Services Act, 1947-63.

36 *E.g.* religious, charitable or Government orphanages.

37 No. 63 of 1964.

38 By sec. 28 of the Social Services Act 1947-63, these are married persons, whose spouses are not receiving age or invalid benefits (apart from child allowances under sec. 34 of the Act), unemployment or sickness benefits, a service pension under the Repatriation Act, 1920-62, or an allowance under sec. 9 of the Tuberculosis Act 1948.

their maximum rate £6.0.0 per week. The rate for married pensioners is increased by the same amount, bringing their rate to £5.10.0 per week. Persons in benevolent homes, receiving age or invalid pensions, who receive set amounts of their pensions, the rest going to the authorities of the home, receive 2/- per week of this increase, the remaining 3/- going to the authorities of the home.

Since in 1963 the class A widows'[39] pension was equated with the standard rate for single age and invalid pensioners rates,[40] the increase effected to the latter by section 3 of the Social Services Act (No. 2) applies to class A widows. Section 5 of the Act amends section 63 of the Principal Act by increasing the pension of class B and C widows by 5/- per week in each case. Class B widows in benevolent institutions receive an increase of 2/- per week, the remaining 3/- of the increase going to the institution.

National Health.

The most significant aspect of the National Health Act[41] is its provision for substantial increases in Commonwealth medical benefits to all contributors to registered medical benefit funds. It also limits the reduction or mitigation of 5/- pharmaceutical benefits fees and makes several amendments of a machinery nature to facilitate the working of the National Health Scheme.

The variation of doctors' charges for medical services presents difficulty in determining a basis for benefits payable under the scheme. Were benefits to be assessed on the basis of a fixed percentage of fees charged in each case, repeated increases in the rates paid by contributors, or the Government subsidy, would be necessary. The Government therefore will not undertake that patients will invariably receive 90% of doctors' charges. The 1964 Act incorporates a new schedule in which benefits have been increased generally by 33⅓% The basis on which benefits have been assessed is, in most instances, 90% of the most common fee charged. Benefits are now re-arranged into one schedule, instead of two, as the latter arrangement had come to serve no purpose.[42] The position since the passage of the Act is that a

39 Class A widows as defined in sec. 60 of the Principal Act are widows in custody, care and control of one or more children. Class B widows are widows over 50 years of age without custody, care and control of children; Class C widows are widows less than 50 years of age and without custody, care and control of children.

40 Social Services Act 1963 (No. 46 of 1963) sec. 11.

41 No. 37 of 1964.

42 Under the National Health Act 1953-63, Commonwealth benefits were specified in two separate schedules. Persons contributing to registered medical

contributor will be eligible for Commonwealth benefits if he is a member of a registered medical benefits fund, which pays a fund benefit at least equal to the amount specified in the first schedule of the Act as in force prior to the commencement at this amendment.

With reference to pharmaceutical benefits, the position since 1960 has been that a 5/- fee has been payable for pharmaceutical benefit prescriptions. Friendly Society chemists however, have not been obliged to charge the 5/- fee for pharmaceutical benefit prescriptions supplied to their members and families, because these members are accustomed to meeting their medicine costs by regular weekly or quarterly payments to their Societies. Also a number of organisations have been conducting funds, under the rules of which, members have been entitled to rebates of part of the 5/- fees which they have paid. Since the Government considers the 5/- fee necessary to discourage unnecessary use of benefits provided under the scheme, it has envisaged the spread of these rebate arrangements as a possible undermining of this safeguarding of the scheme. Accordingly, the Act limits the future development of such rebate schemes. While making no alteration to the position of persons who are already enrolled in insurance funds which include rebate of the 5/- fee as part of their benefits, and while allowing Friendly Society dispensaries to supply pharmaceutical benefits without, or for a charge less than, the 5/- fee to members who joined the dispensary funds before 24th April, 1964, the Act provides that insurance funds are not permitted to enroll new members, in a fund providing for rebate of whole or part of the 5/- fee, and that Friendly Society dispensaries must charge the 5/- fee from their new members who enrolled on and from 24th April, 1964. Strict administrative arrangements are applied by the Department of Health to ensure that identification of members of insurance funds and Friendly Societies who joined prior to 24th April, 1964, is carried out, so that the limitation of rebates to old members is observed.

X. NATIONAL DEVELOPMENT.

Roads.

The Tasmanian Grant (Gordon River Road) Act[43] provides for a grant to the State of Tasmania, to assist the State in financing

benefit fund tables which provided benefits at least equal to amounts specified in the 1st schedule were eligible for all Commonwealth benefits specified in both schedules. It became the invariable practice of Funds to offer contributors Fund benefits equal to amounts in both schedules, and hence the necessity for two schedules disappeared.

[43] No. 5 of 1964.

construction of a developmental road into the Gordon River region of the South West of Tasmania. In his second reading speech to the Act, the Treasurer, Mr. Holt, told the House that the grant was given to assist the State in implementing a further stage in its hydro-electric undertaking. A new power development, to be located in the relatively unexplored Gordon River area, made construction of a road of access into the area, an urgent requirement. Equal amounts to those expended by the State Government on the road will be payable under the grant, with the maximum amount payable by the Commonwealth being £2,500,000. Provision for payments in advance of State expenditure is made in section 8 of the Act. Standards of design or construction are to be acceptable to the Commonwealth, and the Federal Treasurer may request the State to furnish information specified in relation to expenditure on the road, and may refuse the grant if such information is not forthcoming.

In his second reading speech to the Commonwealth Bureau of Roads Act[44] the Minister for Shipping and Transport, Mr. Freeth, said:—"We have felt it essential for us to have a body capable of investigating roads and road transport, with a view to assisting the [Commonwealth] Government in reaching its decisions as to the nature of the financial assistance to the States for roads and road transport."[45] The Act accordingly establishes a Commonwealth Bureau of Roads. The Bureau will consist of a full time chairman and two part time members, with power to appoint such officers and employees (up to a maximum number determined by the Minister from time to time) as it considers necessary. The Bureau also has power to engage or arrange for persons to advise and inform it on any matter under investigation. The primary function of the Bureau, defined in section 14(a) of the Act, is that given in the above quotation. Subsection (b) of section 14 gives the Bureau other functions, namely, to investigate and report to the Minister on any matter relating to roads and road transport, and being the concern of the Commonwealth, referred to them by the Minister. The Bureau will report to the Government on its investigations, but these reports are not to be made public except with the approval of the Minister. Generally, provisions in relation to the Bureau's powers and functions are extremely broad, Governmental policy being that methods of going about their work and even the precise nature of this work "are matters for the Bureau itself to determine and that it should be free to make its own assessment from

[44] No. 65 of 1964.
[45] (1964) 42 COMMONWEALTH PARL. DEB. (H. of R.) 2136.

time to time of the kind of investigations it should undertake."[46]

The Bureau is not intended in any way to diminish the province of State Governments re road construction, but is basically intended to enable the Commonwealth to make a competent and reliable appraisal of data necessary to discharge its responsibility for the financing of roads.

Petroleum.

The Petroleum Search Subsidy Act[47] amends the Petroleum Search Subsidy Act 1959-61. It extends the period of operation of the Principal Act by a further three years. Since the Principal Act resulted in a considerable increase in geophysical surveys and drillings by oil exploration companies, the basic aim of the 1964 Act was to encourage further petroleum search in Australia and Papua-New Guinea, by this extension of operation of the subsidy, and by other provisions of the Act. The Act explicitly includes the sea-bed and sub-soil of the continental shelf contiguous to the coast of Australia and Papua-New Guinea, and to rectify doubt over past operations over these areas, makes this amendment retrospective to 1959. The scope of "test-drilling" is widened by removing the requirement that such drilling must be done on an established structure, and combines into the one category of stratigraphic drilling, off structure and stratigraphic drilling under the Principal Act, with this combined category being subsidised at the higher rate that previously applied only to off-structure drilling. Bore hole surveys and detail structure drilling although subsidised under the Principal Act, have been deleted from subsidised operations under the 1964 Act, as available subsidies for them had been rarely applied for.

Rates of subsidy payable in respect of each type of operation, instead of being laid down by the Act, with power in the Minister to fix a limiting amount, are to be determined by regulations, with maximum rates as under the Principal Act retained. The Act also authorises the Minister to conclude a subsidy agreement, and to vary rates of subsidy either by increasing or by reducing them. Under the Principal Act the Minister had power only to reduce the subsidy.

Water Resources.

The Australian Water Resources Council was formed in 1962 with the principle objective of:—"The provision of a comprehensive assessment on a continuing basis of Australia's water resources and the

46 (1964) 42 COMMONWEALTH PARL. DEB. (H. of R.) 2137.
47 No. 57 of 1964.

extension of measurement and research so that future planning may be carried out on a sound and scientific basis."[48]

Recommendations made by the council concerning finance for water resources measurements, have been adopted in principle by the Commonwealth. Accordingly the State Grants (Water Resources) Act[49] makes provision for financial grants to the States over a three year period, to accelerate the measurement of the flow of rivers and the investigation and measurement of underground water resources. Section 4 of the Act provides for a grant to States where capital expenditure by the State in connection with measurement of the discharge of rivers, has exceeded an amount stated in the first schedule. The grant is calculated either by reference to a set figure alloted to any particular State in the first schedule, or the excess over the qualifying amount as given in the first column of the first schedule, whichever is less. Section 5 makes provision for a grant on operational expenditure re measurement of discharge of a river, in terms similar to the grant for capital expenditure. The second schedule governs this section. Grants in respect of expenditure on underground water investigation are governed by section 6 and the third schedule. Capital and operational expenditure are aggregated in this case, and there is payable a Commonwealth grant of £2 for each £1 spent by the State above the base year figure, or an amount specified in the third schedule, whichever is less. Machinery provisions include provisions for approval by the Minister of programmes of works, for making advance payments to the States, and for the submission of progress reports.

*Housing.**

Recognising that housing was vital to the welfare and happiness of individuals and thus to the nation generally, and that rising prices of land had faced young married home-seekers with additional difficulties, the Government introduced the Bill which became the Homes Grant Act 1964[50] as a measure designed to help overcome such difficulties.

The Act provided for a tax free grant of up to a maximum of £250 on the basis of £1 for £3 of acceptable savings for a home by persons under the age of 36 years. To be eligible a person must have

[48] (1964) 44 COMMONWEALTH PARL. DEB. (H. of R.) 2712.
[49] No. 127 of 1964.
* The reviewer is indebted to Mr. I. W. P. McCall for this section of the review.
[50] No. 51 of 1964.

lived in Australia for the preceding three years[51] and be under the age of 36 years both at the time he was married and when he entered into the contract to buy or build a house in Australia.[52] The acceptable savings must have been accumulated during a period of at least three years prior to the date of entry into the contract and, broadly, are constituted by moneys saved and deposited in a savings or trading bank or with a building society. However, if moneys are saved after 1st January 1965 then the deposits must be described in the books of the banks as Homes Savings Accounts. Finally, if the home being purchased is one built by a State Housing Authority with monies made available by the Commonwealth, or is valued at more than £7,000 it will not qualify under the Act.

XI. MISCELLANEOUS.

Weights and Measures.

In 1962 a conference of Commonwealth and State Ministers discussing weights and measures, recommended that the National Standards Commission should be given responsibility to examine, and where necessary, to give approval to the patterns of measuring instruments intended for use for trade, on the basis that such approvals would apply throughout Australia. The main purpose of the Weights and Measures (National Standards) Act[53] is to enable this proposal to be carried out, by extending the functions and powers of the National Standards Commission which, as laid down by the Principal Act, were not such as to include this type of work. Section 6 of the Act makes the Commission a body corporate with power to acquire property, employ staff, and to sue and be sued. Other amendments are made to the Principal Act to facilitate its operation. More specifically these amendments clarify the way in which certain verifications may be made and measurements checked, and extend the hierarchy of standards provided in the 1960 Act.

Aborigines.

The Australian Institute of Aboriginal Studies Act[54] establishes a Permanent Institute of Aboriginal studies. Following representation to the Government in 1960 that many aspects of Aboriginal culture

51 An Australian citizen however, may qualify with 3 months residence immediately preceding the contract to buy or build.

52 Even if a person is married twice before reaching the age of 36 he is only eligible for one grant.

53 No. 6 of 1964.

54 No. 56 of 1964.

stood the danger of becoming extinct, a conference of persons involved in Aboriginal studies was financed, to review the position of Aboriginal research. This conference having made its report, the Government established an Interim Council of the Australian Institute of Aboriginal Studies which was asked to arrange a programme for urgent research work and to advise the Government on the structure, scope and functions of a Permanent Institute.

The Permanent Institute is not a body concerned with current Aboriginal needs and problems, but has scientific and anthropological purposes. On the other hand, Mr. Freeth, in his second reading speech to the Act, stressed that it was not intended that the Institute be a "super department of anthropology", rivalling existing institutions engaged in Aboriginal research. He said:—"It will exist to complement the work of these institutions, to work through them, and to strengthen them by its activity."[55]

Functions assigned to the Institute by section 6 of the Act emphasize that the Institute will concentrate primarily on the study of evanescent material, by way of assistance to Universities, museums, and other institutions engaged in Aboriginal research. Membership of the Institute will be open to scholars in this field, with the Minister appointing foundation members, the Council may appoint up to twenty Institute members, and Institute members may appoint new members within a prescribed limit. The affairs of the Institute will be conducted by a Council of twenty-two persons, eleven of whom will be elected by members of the Institute, six appointed by the Governor General, two each appointed from and by the Senate and the House of Representatives, and the Principal of the Institute. By section 24 of the Act the Council may delegate its powers to the Principal, through whom it is hoped a close liaison between other institutions and the Institute will be maintained.

Migration.

The Migration Act[56] amends the Migration Act 1958 in two ways. Firstly it enables the Minister for Immigration to facilitate the entry into Australia of important visitors and their parties and other persons whose entry the Government wishes to facilitate, who seek admission to the country on a temporary basis. Under section 8 of the Principal Act four specific categories of persons only may enter Australia with-

[55] (1964) 42 COMMONWEALTH PARL. DEB. (H. of R.) 1944.
[56] 87 of 1964.

out a permit.[57] Section 3 of the Act gives the Minister a discretion to allow certain persons to enter without a permit.

Secondly, the Act simplifies passenger documentation required of carrier companies operating water-borne transport to and from Australia. This is achieved by the replacement of an interogatory form which was prescribed by regulations under the Navigation Act for passengers leaving or entering Australia by sea, by passenger cards such as are at present completed by air passengers. This measure was included both to ease the clerical and documentation burden on companies and passengers, and to provide a more effective record of the entry and departure of persons, and control over such movements.

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57 (i) Members of armed forces of the Crown entering on duty;
(ii) Diplomats, consuls, trade officials and their staffs, etc.;
(iii) Members of complements of vessels of regular armed forces of recognised governments, entering Australia on leave;
(iv) Crew members of any vessel landing on leave during the stay of their vessel in port.