

SECTION XXXI.

MISCELLANEOUS.

§ 1. Immigration.

(A) The Encouragement of Immigration into Australia.

1. **Introduction.**—Various measures have from time to time been adopted by the Commonwealth and State Governments, as well as by private societies and individuals, with a view to promote the immigration of suitable classes of settlers into Australia. Some of the States of the Commonwealth are at present pursuing immigration policies of a vigorous nature; in others, relatively little is being done. The activities of the Commonwealth Government (which is vested with constitutional powers in regard to immigration under Sec. 51, xxvii., of the Constitution Act 1900) with respect to the encouragement of immigration have hitherto practically been confined to advertising in handbooks, newspapers, and periodicals the resources and attractions of Australia. It would appear, however, to be now generally admitted that it is desirable to co-ordinate the efforts of the Commonwealth and States, and the Deakin-Cook Government had under consideration a comprehensive scheme, with the co-operation of some of the State Governments, for attracting due attention to the advantages possessed by Australia as a home for a white race, and for settling approved immigrants on suitable holdings.

2. **State Immigration.**—The advertising in the United Kingdom of the resources of the individual States has been carried out by their Agents-General in London. Various means have been adopted, including newspaper advertising; the publication of illustrated pamphlets bearing on the resources and principal primary industries of the State; lectures by officers who have a knowledge of the conditions prevailing in the State; official displays at the principal agricultural, manufacturing, and similar exhibitions; cinematographic pictures typical of industrial life and scenic views; and pictures and lantern slides.

(i.) *Nominated and Assisted Passages.* Arrangements have been made by some of the State Governments with several of the principal shipping companies for reductions in the amounts of passage money to be paid by immigrants. These reductions are generally granted to all persons desiring to settle on the land or engaging in any form of rural industry, to domestic servants, and to any others who satisfy one of the several Agents-General in London that they will make suitable settlers. Provision has also been made whereby settlers may nominate their relatives or friends for passage to Australia at reduced rates.

(ii.) *Reception on Arrival.* Immigrants whose coming is advised are met on board the vessel on arrival by Government officers, who make themselves acquainted with the needs of the passengers and assist and advise them in various ways. To those desirous of settling on the land, information and assistance is rendered by officers of the Lands

Department. In other cases endeavours are made to obtain employment for each applicant according to his special needs and qualifications.

3. Initiation of Commonwealth Scheme.—The scheme initiated by the Commonwealth Department of External Affairs in connection with the encouragement of immigration is at present confined to advertising the attractions of Australia for settlers and farm workers, while each State makes its own selection of immigrants and provides for their ocean passage. It is proposed to secure co-operation between the Commonwealth and the States in keeping the High Commissioner for Australia in London advised as to lands in the respective States available for selection and the openings for agricultural workers. Arrangements have been made for a press advertising campaign, the Commonwealth undertaking to advertise Australia generally by means of paragraphs and illustrated articles in British, European, and American publications, while the several States are to advertise for the class of immigrants they specially require. It is proposed that "landseekers' excursions" shall form an important part of the Department's operations. Bioscope films to be utilised for the illustration of lectures have been prepared, and handbooks for settlers and tourists, as well as folders, and other publications, are in hand. Pictorial posters are also to be utilised.

4. The High Commissioner for Australia and the Agents-General.—Intending settlers or immigrants may, on application, obtain information from the High Commissioner for Australia—

THE RIGHT HON. SIR G. H. REID, P.C., K.C.M.G., ETC.
COMMONWEALTH OFFICES,
72 VICTORIA STREET,
LONDON, S.W.

Information regarding individual States may be obtained from the persons specified below:—

AUSTRALIAN AGENTS-GENERAL.

<i>New South Wales</i>	T. A. COGHLAN, Esq., I.S.O.	123-125 Cannon St., London, E.C.
<i>Victoria</i> ...	Sir JOHN W. TAVERNER ...	Melbourne Place, Strand, London
<i>Queensland</i> ...	Major T. B. ROBINSON ...	Marble Hall, 409-10, Strand, London
<i>South Australia</i> ...	HON. A. A. KIRKPATRICK	85 Gracechurch St., London, E.C.
<i>Western Australia</i>	R. C. HARE, ESQ. (Acting)	15 Victoria St., Westminster, London
<i>Tasmania</i> ...	Hon. JOHN MCCALL ...	5 Victoria St., Westminster, London

(B) The Regulation of Immigration into Australia.

1. Pre-Federal Restrictions.—(i.) *Alien Races.* The several States of Australia had regarded it as desirable, long prior to Federation, to impose certain restrictions upon the admission of persons wishing to become inhabitants of those States. The influx of Chinese into the States, for example, was limited by stringent statutes, and later general Acts were passed in some of the States which had the effect of restricting the immigration of other—principally Asiatic—races.

(ii.) *Undesirable Immigrants.* Further restrictions were placed upon the admission of persons who were undesirable as inhabitants, either for medical or moral reasons, or who were likely to be an economic burden upon the community.

2. Powers and Legislation of the Commonwealth.—(i.) *Constitutional Powers.* By Chap. I., Pt. V., Sec. 51, xxvii. and xxviii. of the Commonwealth Constitution Act the Parliament of the Commonwealth is empowered to make laws with respect to immigration and emigration and the influx of criminals. (See page 40 herein).

(ii.) *Legislation.* The powers specified have now been exercised, and the laws passed in pursuance thereof supersede the State laws above referred to.

The first Act passed was the Immigration Restriction Act 1901, which contained provisions restricting the immigration of the classes of persons mentioned above. The clauses restricting the immigration of persons under contract were, however, repealed, and the Contract Immigrants Act 1905 was substituted therefor. (See page 50 herein.)

The Immigration Restriction Act of 1905 amends certain parts of the Act of 1901, and the immigration of alien races and undesirable persons is now regulated by the two Acts, viz., those of 1901 and 1905. This last applies only to immigrants under contract or agreement to perform manual labour in Australia. The admission of such persons is permitted if the contract is in writing, is made by or on behalf of some person named, who must be resident in Australia, and approved by the Minister. Such approval will not be given if the contract is made with the view of affecting an industrial dispute or if the remuneration and other terms are not as advantageous to the contract immigrant as those current for workers of the same class at the place where the contract is to be performed.

There is an additional provision where the proposed immigrant is not a British subject born in the United Kingdom or descendant of such a person. In such case it has to be proved that there is a difficulty in the employers obtaining in the Commonwealth a worker of at least equal skill and ability.

In case of infraction of the law it is provided that the contract is absolutely void and the immigrant and employer are both liable to penalties, and the employer is also liable to pay the immigrant until he obtains employment, or, at the option of the immigrant, to provide expenses for his return to the country whence he came.

3. Prohibited Immigrants.—(i.) *Provisions of the Acts.* Persons comprised in the following classes are prohibited from entering the Commonwealth, viz.:—(a) Any person who fails to pass the dictation test; that is to say, who fails to write out not less than fifty words of a language prescribed by regulation when dictated to him by an officer administering the Act. (b) Any person likely to become a charge upon the public. (c) Any idiot or insane person. (d) Any person suffering from an infectious or contagious disease. (e) Any person who has been convicted of an offence, other than a mere political offence, and has been sentenced to imprisonment for one year or longer and has not served his sentence or received a pardon. (f) Any person undesirable for moral reasons.

Regarding (a) it may be stated that the Act of 1901 provided for the dictation of not less than fifty words of a European language. The Act of 1905 provided for the retention of this test until regulations be passed prescribing the languages to be employed. No such regulations have yet been made, and the provision of the Act of 1901 is therefore *de facto* still in force. It may be stated that the dictation test is not and never has been imposed upon persons of European race.

(ii.) *Exemptions.* To these restrictions there are the following exemptions, viz.:—(a) Any person holding an exemption certificate. (b) Members of the King's regular land and sea forces. (c) The master and crew of any public vessel of any Government. (d) The master and crew of any other vessel landing during the stay of the vessel in a Commonwealth port; but before the ship can obtain her outward clearance the crew must, at the demand of an officer administering the Act, be mustered, and if any member of the crew be missing, and would otherwise, in the opinion of the officer, have been a prohibited immigrant, then such person is deemed to be a prohibited immigrant, and until the contrary be proved, to have entered the Commonwealth contrary to the Act. (e) Any Commissioner of, or other person accredited from, the Imperial or any other Government.

(iii.) *General Provisions.* An immigrant may be required to pass the dictation test at any time within a year after he has entered the Commonwealth.

A prohibited immigrant within the meaning of (a) above may, at the discretion of an officer, be allowed to enter the Commonwealth, or to remain within it, upon depositing £100 and within thirty days either obtaining an exemption certificate or departing from the Commonwealth; in either case the deposit is returned.

The punishment for breach of the Act by a prohibited immigrant is imprisonment for six months and deportation in addition, if so ordered.

4. Liability of Shipmasters and Others.—The master, owners, agents, and charterers of a vessel from which a prohibited immigrant enters the Commonwealth are jointly and severally liable to a penalty not exceeding £100 for each entrant. The vessel may be detained as security, but may be released upon the giving of a bond with two sureties for the payment of any penalties; the vessel may be seized and sold in default of payment of penalties. The master, owners, agents, and charterers may be required to provide a return passage for the prohibited immigrant, and to pay for his maintenance during his detention prior to deportation. Masters of vessels are authorised to prevent such a person from landing and to obtain any necessary assistance.

Under the Immigration Restriction Act 1908, any person on board a vessel at the time of her arrival from any place outside Australia at any port in Australia who is not (a) a *bona fide* passenger of the vessel, or (b) a member of the crew of the vessel whose name is on the articles, is deemed to be a stowaway, unless the master gives notice that the person is on board the vessel, and does not permit him to land until an officer has had an opportunity of satisfying himself that the person is not a prohibited immigrant. The master, owners, agents, and charterers of a vessel are jointly and severally liable to a penalty of £100 for each stowaway brought into any port in Australia. Power is given to search vessels for stowaways.

5. Agreements with other Countries.—Arrangements may be made with the Government of any country regulating the admission into Australia of the subjects or citizens of such country, such subjects being not, during the subsistence of the arrangement, required to pass the dictation test.

Persons who have resided either continuously or from time to time in the Commonwealth for a period of five years in the whole, and who are about to depart from it, being persons who, if they return, would be prohibited immigrants, may obtain a certificate of exemption entitling them to return.

Certificates of exemption are granted by the Minister of External Affairs, whose department administers the Act.

6. Statistics.—The following tables shew the number of persons who desired but were not permitted to land, those who were allowed to land, and the nationality of the persons admitted :—

**PERSONS ADMITTED OR REFUSED ADMISSION TO COMMONWEALTH UNDER
PROVISIONS OF IMMIGRATION RESTRICTION ACT, 1903 to 1909.**

Year.	Persons Admitted who Passed Education Test.	Persons Admitted without Passing Education Test.	Persons Refused Admission.
1903 ...	13	44,117	152
1904 ...	1	48,317	117
1905 ...	3	47,940	106
1906 ...	Nil	57,646	53
1907 ...	Nil	71,988	62
1908 ...	1	75,670	108
1909 ...	1	83,324	108

NATIONALITY OF PERSONS ADMITTED, 1903 to 1909.

Nationality.	1903.		1904.		1905.		*1906	*1907.	1908.		1909.	
	Without Test.	With Test.	Without Test.	With Test.	Without Test.	With Test.	Without Test.	Without Test.	Without Test.	With Test.	Without Test.	With Test.
EUROPEANS—												
Austrians ...	809	...	930	...	683	...	691	651	736	...	895	...
Belgians ...	20	...	20	...	25	...	33	64	45	...	35	...
British ...	35,061	...	39,026	...	39,975	...	47,396	60,172	64,374	...	71,201	...
Danes ...	94	...	103	...	125	...	259	280	227	...	272	...
Dutch ...	30	...	26	...	43	...	91	94	120	...	187	...
French ...	1,390	...	2,076	...	1,402	...	1,866	1,685	1,546	...	1,347	...
Germans ...	1,028	...	823	...	926	...	1,339	1,909	1,911	...	2,109	...
Greeks ...	210	...	194	...	121	...	240	202	296	...	327	...
Italians ...	793	...	814	...	734	...	839	992	902	...	1,078	...
Poles ...	8	...	8	...	13	...	5	6	22	...	21	...
Portuguese ...	5	...	...	...	2	...	3	6	5	...	10	...
Rumanians ...	...	...	...	...	...	...	...	...	12	...	11	...
Russians ...	148	...	122	...	157	...	293	388	319	...	466	...
Scandinavians ...	352	...	320	...	281	...	776	1,173	825	...	891	...
Spaniards ...	53	...	27	...	35	...	32	86	57	...	56	...
Swiss ...	20	...	79	...	63	...	68	78	78	...	131	...
Turks ...	13	...	...	...	3	...	8	6	4	...	14	...
Europeanst ...	...	...	7	...	17	...	18	29	112	...	16	...
AMERICANS—												
N. Americans ...	561	...	563	...	603	...	867	889	687	...	692	...
S. Americans ...	6	...	...	...	...	...	12	15	10	...	14	...
Negroes ...	10	...	13	...	15	1	4	9	4	...	6	...
French Creoles ...	...	...	...	...	...	...	...	...	...	...	...	...
West Indians ...	7	3	6	...	3	1	...	13	23	...	6	...
ASIATICS—												
Afghans ...	...	...	...	...	7	...	3	9	15	...	3	...
Arabs ...	...	...	...	...	3	...	...	8	3	...	1	...
Burmese ...	...	...	...	...	...	...	...	...	...	...	1	...
Chaldeans ...	...	...	...	...	...	...	...	...	...	...	...	...
Chinese ...	386	...	847	1	1,269	...	1,134	1,424	1,771	...	1,729	...
Cingalese ...	8	2	9	...	15	...	6	12	10	...	10	...
East Indians ...	...	1	...	...	...	...	...	...	...	...	...	...
Eurasians ...	...	2	...	...	...	...	...	...	...	...	...	...
Filipinos ...	37	...	54	...	74	1	120	57	27	...	6	...
Hindoos ...	48	2	461	...	146	...	75	129	74	...	130	...
Japanese ...	558	1	461	...	251	...	356	521	555	...	509	...
Javanese ...	...	...	75	...	62	...	52	1	...	...	52	...
Kurds ...	...	...	...	...	...	...	...	...	...	...	...	...
Malays ...	526	...	469	...	289	...	436	370	230	...	309	...
Syrians ...	43	1	39	...	51	...	66	58	45	...	73	...
OTHER RACES												
Maoris ...	...	...	...	...	...	...	...	...	...	...	...	...
Mauritians ...	...	1	...	...	1	...	2	8	48	...	108	...
Pacific Islanders ...	1,098	...	193	...	98	...	156	121	89	...	94	...
Papuans ...	145	...	552	...	415	...	368	493	430	...	439	...
St. Helena Blacks ...	...	...	...	...	...	...	...	...	1	...	1	...
Unspecified ...	20	...	20	...	33	...	32	30	14	1	31	...
Total ...	44,117	13	48,337	1	47,940	3	57,646	71,988	75,670	1	83,324	1

* No persons were admitted after passing the test in either of the years 1906 or 1907.

† Notspecified.

§ 2. Patents, Copyrights, Trade Marks, and Designs.

1. **Devolution of Jurisdiction upon the Commonwealth.**—Prior to the establishment of Federation, and for a few years thereafter, each Australian State possessed independent jurisdiction in respect of patents, copyrights, trade marks, and designs, and had in nearly all cases enacted its own laws governing them. Any person, therefore, who desired to protect a patent, copyright, trade mark, or design had necessarily to incur the trouble and expense of making six separate applications—one in each State. The Com-

Commonwealth Constitution Act conferred upon the Federal Parliament power to legislate respecting these matters. (See page 39 hereinbefore.) The Act of 1909 extends the jurisdiction to Papua.

The State Acts, though in general based upon the Imperial Statutes dealing with these subjects, were not wholly governed by them. The Commonwealth Acts, both in regard to principle and practice, have the same general foundation, but in some respects have been modified and brought into line with the totality of Australian experience.

2. Patents.—The first Commonwealth Patents Act was passed in 1903, and was amended in 1906 and 1909. (See page 50 hereinbefore.) Under these Acts, which are administered by a "Commissioner of Patents," the power of the States to grant patents was abolished, and their functions in that respect were transferred to the Commonwealth. A single Commonwealth patent now gives throughout the Commonwealth that protection which formerly could only be obtained by procuring a patent in each State. The rights of State patentees are in all cases reserved to them. A holder of a State patent in force may obtain, for a period not exceeding the unexpired time thereof, a Commonwealth patent for the invention comprised in the State patent. Any State may, however, be excepted from the patent if the Commissioner of Patents is satisfied that the invention either (a) is not novel, (b) has been made the subject of a pending application, or (c) has been published in such State. Comparatively small fees, totalling £8, are now sufficient to obtain for an inventor protection throughout the Commonwealth, and the only renewal fee (£5) is payable before the expiration of the seventh year of the patent.

(i.) *Applications for Patents.* Any of the following persons may make application for a patent:—(a) The actual inventor. (b) His assignee, agent, attorney, or nominee. (c) The actual inventor or his nominee jointly with the assignee of a part interest in the invention. (d) The legal representative of a deceased actual inventor or of his assignee. (e) Any person to whom the invention has been communicated by the actual inventor, his legal representative, or assignee (if the actual inventor, his legal representative or assignee is not resident in the Commonwealth). An application for a patent must be for one invention only, and must be made in the form prescribed; and lodged by being left at or sent by post to the Patent Office at Melbourne. It must be accompanied by either a provisional or a complete specification. The application must contain a declaration in the prescribed form setting out the facts relied on to support the application, and must be signed by the applicant and attested by a witness.

(ii.) *Term for which Granted.* The term for the duration of every patent is limited to fourteen years from the date of application. A patent ceases if the patentee fails to pay the renewal fee within the prescribed time. If in any case, however, by accident, mistake, or inadvertence a patentee fails to pay the renewal fee within the prescribed time, he may, on application to the Commissioner and on payment of the prescribed fees, obtain an extension of the time for not more than one year.

(iii.) *Opposition to Grant of Patent.* Within three months of the advertisement of the acceptance of a complete specification any person may give notice at the Patent Office of opposition to the grant on any of the following grounds:—(a) That the applicant has obtained the invention from the opponent. (b) That the invention has not been communicated to the applicant by the actual inventor (if the actual inventor is not resident within the Commonwealth). (c) That the invention has already been patented in the Commonwealth. (d) That the complete specification describes an invention other than that described in the provisional specification, and that the opponent has applied for a patent for such other invention in the interval between the leaving of the provisional and complete specifications. (e) Want of novelty. (f) Prior publication.

The case is heard and decided by the Commissioner, from whose decision an appeal lies to the High Court or the Supreme Court.

(iv.) *Single Patent for Cognate Inventions.* The Act of 1909 provides that two or more provisional specifications for modifications of the same invention may be combined in a following complete specification, upon which a single patent may be granted for the several applications.

(v.) *Patents of Addition.* By the Patents Acts of 1903 and 1909 special provisions are made for granting patents to an applicant or patentee in respect of any improvement on his invention. Such patents are called "Patents of Addition." They are granted for the unexpired term of the original patent, and on such patents no renewal fee is payable.

(vi.) *Amendments.* Amendments to specifications by way of disclaimer, correction, or explanation may be allowed on request to the Commissioner, provided that the specification, if amended as requested, does not claim an invention substantially larger than or different from the original invention. Any person may oppose an amendment on giving notice of opposition at the Patent Office.

(vii.) *Revocations of Patents.* Revocation of a patent may be obtained by petition to the High Court or the Supreme Court of a State. A petition must be presented by either (a) the Attorney-General or person authorised by him, (b) any person alleging that he was the actual inventor or that the patent was obtained from him by fraud, or (c) by any person alleging that he had publicly used, made, or sold within the Commonwealth before the date of the patent anything claimed by the patentee as his invention.

(viii.) *Compulsory Working and Licenses.* After 13th December, 1911, the Court on application may declare that any patent, if over four years old, is not manufactured or carried on to an adequate extent in the Commonwealth, and unless satisfactory reasons are shown within a specified time the patent may be carried on by any person without any liability for infringement, or the Court may grant a compulsory license.

A compulsory license to work a patent in the Commonwealth, may also be granted upon proof by any person interested that the reasonable requirements of the public with respect to the invention have not been satisfied. The Act also contains provisions regarding the remedies for infringement of patents.

(ix.) *Restoration and Surrender of Patents.* The Act of 1906 provides for the restoration (under certain conditions) of applications or patents which may have lapsed through default of the applicant or of an officer of the Patent Office.

A patentee may surrender a State patent for an invention which has been further registered under Section 7 of the Act of 1903; or, by permission of the Court, may surrender a Commonwealth patent which is the subject of proceedings therein.

(x.) *Contracts and Proceedings.* No patentee may enforce conditions of contract which will restrict the rights of the user to simultaneously use, send, or carry out the inventions of any other persons; such contracts made prior to the Act of 1909 may be determined by three months' notice from either party.

Any person threatened by circular or advertisement with proceedings for infringement may apply for an injunction and damages, unless the threatening party shows due diligence in prosecuting an action.

(xi.) *International Protection of Patents.* The Patents Act of 1903 contained provisions under which the international arrangements for the protection of patents contained in the Imperial Acts could be made applicable to the Commonwealth by order of the King-in-Council. The necessary proclamation was issued by the Imperial Government as regards England and Australia on the 1st February, 1907, and as regards all other countries in the International Convention on the 5th August, 1907. British and foreign inventors are now, therefore, if they apply in Australia within twelve months of their first foreign application, entitled to receive patents for their inventions in priority to other applicants, and such patents have the same date as the date of the appli-

cations abroad. Corresponding arrangements have also been made by the Commonwealth with New Zealand.

(xii.) *Patent Attorneys.* Any person on passing the prescribed examination, and on paying a fee of £5, may be registered by the Commissioner as a patent attorney. A solicitor may practise as a patent attorney without passing the prescribed examination and without being registered as a patent attorney. No person may advertise his business in a manner to imply that he has official connection with the Patent Office.

(xiii.) *Patent Office Publications.* Every complete specification which has become open to public inspection by acceptance, or under the International Convention, is now printed shortly after being advertised, and the whole of the accepted specifications subsequent to No. 4000 of 1905, may now be purchased from the Government Printer, Melbourne, at the price of 1s. for each copy; reductions in price are made to purchasers of thirty specifications or over.

(a) The *Australian Official Journal of Patents* is issued weekly, and contains lists of applications and proceedings, with illustrated notes of accepted complete specifications. A supplementary annual volume contains statistics, indexes to names of persons concerned, classified indexes to subject matter of applications lodged, and a numerical index to proceedings on Commonwealth applications which have been advertised during the year; there are also name and numerical indexes to proceedings on State applications.

(b) The *Australian Official Journal of Trade Marks* is issued weekly, and contains lists of applications and proceedings, with representations of marks (when accepted) sought to be registered. An index of names of applicants and proceedings upon all applications is issued at the close of each year. *Copyrights.* An index of owners of literary, artistic, and international or State copyright, together with an alphabetically-arranged list of the subject of works, is published monthly in the official journal of trade marks, and, at the end of each year, published in consolidated form. *Designs.* Information corresponding with that given for copyrights is published.

(xiv.) *Applications Filed, Provisional Specifications Accepted, and Letters Patent Granted, 1904 to 1909.* The numbers of individual inventions in respect of which applications were filed in the States or Commonwealth during each year from 1904 to 1909 inclusive were as follows:—

NUMBER OF APPLICATIONS FILED, 1904 to 1909.

Year	1904.*	1905.	1906.	1907.	1908.	1909.
Number of Applications ...	2,243	2,685	2,743	2,903	2,840	3,309

* From 13th February.

From the 13th February, 1904, to the 31st May, 1904, applications were made both under the States and the Commonwealth Acts; five subsequent applications, relating to four inventions, were made under special provisions of the State Acts.

The subjoined table shews the number of provisional specifications accepted and the number of patents granted in each State and in the Commonwealth from 1901 to 1909 inclusive. Under the Commonwealth Patents Act of 1903 these functions ceased to be exercised by the States, and were transferred to the Commonwealth Patent Office on the 1st June, 1904:—

**PROVISIONAL SPECIFICATIONS ACCEPTED AND LETTERS PATENT GRANTED,
1901 TO 1909.**

State.	States Patents Acts.				Commonwealth Patents Acts.					
	1901.	1902.	1903.	To May 31, 1904.	From June 1, 1904.	1905.	1906.	1907.	1908.	1909.

PROVISIONAL SPECIFICATIONS ACCEPTED.

New South Wales	319	476	388	74	...	...	...	...	...	...
Victoria ...	403	533	557	115	...	...	...	...	...	...
Queensland ...	171	238	207	32	...	...	...	...	...	...
South Australia	169	219	228	35	...	...	...	...	...	...
W. Australia ...	137	216	208	41	...	...	...	...	...	...
Tasmania ...	70	132	152	17	...	...	...	...	...	...
Total State ...	1,269	1,814	1,740	314						
Total C'wth.	...	...	...	...	782	1,628	1,498	1,579	1,681	1,937

LETTERS PATENT GRANTED.

New South Wales	717	795	704	96	...	...	...	...	...	...
Victoria ...	699	797	680	83	...	...	...	...	...	...
Queensland ...	422	479	395	52	...	...	...	...	...	...
South Australia	417	442	458	82	...	...	...	...	...	...
W. Australia ...	356	379	380	61	...	...	...	...	...	...
Tasmania ...	272	279	259	35	...	...	...	...	...	...
Total State ...	2,883	3,171	2,876	409						
Total C'wth.	...	...	...	...	...	1,097	1,739	1,402	1,630	1,269

In the above table the figures given for each State shew the number of provisional specifications accepted or of patents granted. The totals for the States do not, therefore, shew the number of separate inventions, as specifications may have been accepted or patents granted for the same inventions in any number, from one to six, of the States. On the other hand, the figures given under the Commonwealth Acts represent separate inventions for the whole Commonwealth advertised as accepted or granted during each of the several years.

(xv.) *Revenue of Patent Office.* The revenue of the Commonwealth Patent Office for each year since its creation to the end of the year 1909 is shewn in the subjoined table. Particulars as to the revenue of the State Patent Offices for previous years are not available:—

REVENUE OF PATENT OFFICE, 1904 to 1909.

Particulars.	1904.	1905.	1906.	1907.	1908.	1909.
	£	£	£	£	£	£
Fees collected } States Patents Acts	3,181	5,567	6,233	3,746	2,006	1,703
under } Patents Acts 1903-6	2,459	13,379	14,667	13,612	14,146	14,087
Receipts from publications ...	...	102	134	155	146	216
Petty receipts ...	19	37	43	34	32	33
Total ...	5,659	19,085	21,077	17,547	16,330	16,039

3. **Copyright.**—Prior to the establishment of Federation the copyright legislation enacted by all the States except Tasmania, throughout which State Imperial legislation governed local productions, was based upon and closely followed the English law of copyright, differing, however, in some cases therefrom as to the periods for which a copyright was granted. Only local publications were affected by it. A colonial law did not affect the rights of authors and artists where copyrights were acquired outside the colony. The Imperial statutes governed copyright in those colonies which had not passed a local copyright law.

(i.) *Copyright Acts.* The first Commonwealth Act was passed in 1905 (see page 50 herein). It follows English legislation even more closely than the State Acts. It deals with literary, musical, dramatic, and artistic copyrights, and applies only to Australian publications. It may be applied to foreign publications, entitled to protection in Australia by virtue of any Act of the Parliament of the United Kingdom, by registration of them under it.

(ii.) *Principal Features.* The principal feature of the Australian Act is that it provides the same term of copyright and performing right for all publications under the above heads, namely, the life of the author and seven years thereafter, or forty-two years from publication, whichever be the longer. Every book published in Australia for which copyright is claimed must be printed from type set up or from plates or negatives made in Australia. With respect to lectures, it is provided that the author shall be the first owner of the lecturing right, and that he may prevent publication of a report of the lecture by giving notice at the beginning of the lecture, or by a conspicuous written notice on the entrance door or in the lecture-room stating that reporting is prohibited. The author of an article first published in a periodical to which it was contributed for valuable consideration retains the copyright in the article, but may not republish it until one year after the end of the year in which it was first published. The owner of the copyright in a book may be compelled to translate it, or to permit translation, if it be not translated within ten years of publication. The person ordering a photograph for which consideration is paid is the owner of the copyright in it.

An important and novel feature of the Copyright Act is that provision is made whereby the owner of the copyright in any book or artistic work, or his agent, may by notice in the prescribed form, require any person to deliver up to him any printed reproduction of the book or work, and similarly the owner of the performing right in a musical or dramatic work, or his agent, may forbid the performance of the work in infringement of his right, and may require any person to refrain from performing or taking part in the performance of the musical or dramatic work specified. Any person failing to observe the requirements of any notice served under these provisions is liable to a penalty of £10.

(iii.) *Registration.* Registration is a necessary preliminary to an action for infringement, but copyright exists independently of registration. The Commissioner of Patents has been appointed "Registrar of Copyrights." Proceedings for the rectification

of the register may be taken before the Supreme Court of any State. In the matters of copyright the Commonwealth possesses the privileges conferred upon each signatory of the Berne Convention.

Particulars of applications for registration of copyrights and of the revenue derived therefrom are given in paragraph 6 hereof.

4. Trade Marks.—The remarks made concerning the unification of the patent system of the Commonwealth apply equally to trade marks. Under the Trade Marks Act 1905, which came into force on the 2nd July, 1906, the Commissioner of Patents is appointed to act also as “Registrar of Trade Marks.” There are two trade marks, viz., the “Workers’ Trade Mark” and the “Commonwealth Trade Mark,” for which special provisions are contained in the Act; the provisions regarding the former of these two Trade Marks have, however, been held to be unconstitutional (see p. 1047 *ante*). The latter may be registered in respect of all goods specified by a resolution passed by both Houses of Parliament that the conditions as to remuneration of labour in connection with their manufacture are fair and reasonable.

(i.) *Essential Particulars of Trade Marks.* A registrable trade mark must consist of essential particulars with or without additional matter. The essential particulars must be one or more of the following :—(a) A name or trading style of a person printed, impressed, or woven, in some particular and distinctive manner; (b) a written signature of the person applying for registration thereof or of some predecessor in his business; (c) a distinctive device, mark, brand, heading, label, or ticket; (d) one or more invented words; (e) a word or words having no reference to the character or quality of the goods, and not being a geographical name used or likely to be understood in a geographical sense. The additional matter which may be added must be either (a) any letters, words, or figures or (b) any combination of letters, words, or figures or any of them.

(ii.) *State Registrations.* State registrations cease to be in force at the expiration of fourteen years from the date of the Commonwealth Act, if the registration has not previously expired. Commonwealth registration of a State registered mark may be effected, and the fact of its registration in a State prior to the coming into force of the Commonwealth Act, may entitle the registered proprietor in the State to Commonwealth registration, notwithstanding the existence of defects which might be ground for refusal of an original application for Commonwealth registration.

(iii.) *Duration of Registration and General Provisions.* The registration of a trade mark is for a period of fourteen years, but may be renewed from time to time. International and intercolonial arrangements for the protection of trade marks may be made in a manner similar to that provided for the protection of patents. Registration may be opposed by any person lodging a notice of opposition at the Trade Marks Office within three months after the advertisement of the application. International arrangements for the protection of Australian trade marks were made by proclamation issued on the 1st February and on the 5th August, 1907 (see paragraph 2 (xi.) *ante*).

5. Designs.—The Designs Act of 1906 came into operation on the 1st January, 1907. Under this Act a Commonwealth Designs Office has been established and the Commissioner of Patents appointed “Registrar of Designs.”

(i.) *Registration.* Any new and original design which has not been published in Australia before the lodging of an application for its registration may be registered in respect of all or any of the articles enumerated in the classification contained in the regulations, which comprise jewellery, paperhangings, carpets, floor-cloths, lace, hosiery, millinery, wearing apparel, textile fabrics, bookbinding, and articles composed wholly or chiefly of a variety of solid substances. After an application for the registration of a design has been lodged the design may be published and used without prejudice to the validity of the registration.

(ii.) *Duration of Copyright in Designs.* The registration takes effect as from the date of the lodging of the application, and, subject to the provisions of the Act, remains in force for a period of five years from that date. The owner of a registered design must, within two years after registration, use the design in Australia, and if he fails to do so the copyright ceases. If, however, such design is used in any manufacture abroad the above period is limited to six months.

(iii.) *General.* The Act also contains provisions regarding the remedies for infringement of designs and the rectification of the register. Arrangements for the international and intercolonial protection of copyright in designs were made by the same proclamation referred to above with regard to patents and trade marks.

6. Applications for Copyrights, Trade Marks, and Designs.—The following table gives particulars of copyright, trade mark, and design applications received and registered under the Commonwealth Acts during each of the years 1907, 1908, and 1909:—

COPYRIGHT, TRADE MARK, AND DESIGN APPLICATIONS RECEIVED AND REGISTERED UNDER COMMONWEALTH ACTS, 1907 to 1909.

Year.	Copyrights.				Trade Marks.	Designs.	
	Literary.	Artistic.	International	Total.			
APPLICATIONS RECEIVED.							
1907	...	372	346	7	725	2,065	176
1908	...	479	581	46	1,106	1,580	155
1909	...	474	518	14	1,006	1,688	187
APPLICATIONS REGISTERED.							
1907	...	227	208	...	435	1,395	77
1908	...	382	359	21	762	3,150	180
1909	...	412	527	4	943	1,455	166

The following table shews the revenue of the Copyright, Trade Mark, and Design Office during each of the years 1908 and 1909:—

REVENUE OF COPYRIGHT, TRADE MARK, AND DESIGN OFFICE, 1908 and 1909.

Particulars.	1908.					1909.				
	Copy- rights.	Trade Marks.	Designs	Publi- cations	Total.	Copy- rights.	Trade Marks.	Designs	Publi- cations	Total.
	£	£	£	£	£	£	£	£	£	£
Fees collected under State Acts	...	40	...	...	40	4	61	...	...	65
Fees collected under Cwltth. Acts	152	7,243	128	82	7,605	145	4,893	170	117	5,325
Total ...	152	7,283	128	82	7,645	149	4,954	170	117	5,390

In addition to the applications for copyright received and registered under the Commonwealth Act, as specified in the first table of this paragraph, certain applications for registration of copyrights under State Acts were received and registered. The following table gives particulars of such applications for the years 1907 to 1909 :—

**APPLICATIONS FOR REGISTRATION OF COPYRIGHT UNDER STATE ACTS,
1907 to 1909.**

Year.	N.S.W.		Victoria.		Queensland.		S. Australia.		W. Australia.		Tasmania.	
	Literary.	Artistic.	Literary.	Artistic.	Literary.	Artistic.	Literary.	Artistic.	Literary.	Artistic.	Literary.	Artistic.

APPLICATIONS RECEIVED.

1907	...	...	4	2	19	...	...	...	1	1	...	...
1908	...	4	12	4	8	...	...	...	1	...	...	...
1909	...	...	...	8	4	...	...	...	...	...	...	...

APPLICATIONS REGISTERED.

1907	...	...	4	2	19	...	...	...	1	1	...	...
1908	...	4	2	3	1	...	...	...	1	...	...	...
1909	...	...	...	9	11	...	...	...	...	...	...	...

§ 3. Old-age Pensions.

1. **General.**—A system for providing for the relief of the aged poor by some means which did not involve the stigma associated in so many minds with the idea of charitable aid, and which, while protecting the recipients from actual want, still left to them as large a degree of freedom as possible, has long been sought for by economists, statesmen, and social reformers. The difficulties surrounding a satisfactory solution of the question are numerous and great, and various schemes have been propounded with the object of overcoming them. Two of the principal objections which have been urged against the introduction of a general system of old-age pensions are—

- (i.) its costliness.
- (ii.) its tendency to induce thriftlessness.

The former is undoubtedly a serious difficulty, since in any normally constituted population the number of persons aged say sixty-five years and upwards will represent about 5 per cent. of the total population, and the provision of the funds required to pay to these a sum which would provide them with even the barest necessities of life would be a very considerable burden upon the State Treasury. To limit this amount various suggestions have been made, of which probably the most effective have been those which provide, *the one for a contribution to the pension fund by the pensioner during his earlier years, and the other by a reduction of the amount of pension payable to those in receipt of income from other sources.* The former of these is the principle which has been acted upon in the scheme in operation in Germany, while the latter is that which underlies the schemes in vogue in the Commonwealth and New Zealand as well as in that recently introduced in the United Kingdom.

The objection which has sometimes been raised to the payment of old-age pensions on the score of the tendency to thriftlessness thereby induced is one which, in Australia, at all events, is not accorded much weight, the general feeling being that the number of

cases in which the prospect of a pension of, say, 10s. per week from sixty-five onwards would lead to thriftlessness in earlier years, is so small as to be practically negligible.

2. Introduction of Old-age Pensions into Australia.—The credit of introducing old-age pensions into the Southern Hemisphere belongs, not to the Commonwealth, but to her sister dependency, the Dominion of New Zealand, where pensions have been payable since 1st April, 1893. The first State of the Commonwealth to make provision for the payment of old-age pensions was Victoria, whose legislation on the subject came into operation on 18th January, 1901. Later in the same year, viz., on 1st August, 1901, the pension system of New South Wales came into force, while in the case of Queensland old-age pensions became payable from 1st July, 1908. Finally, an Act providing for the payment of old-age pensions throughout Australia was passed by the Commonwealth Parliament in 1908, pension payments commencing on 1st July, 1909. This Act superseded the State Acts in so far as provision for old-age is concerned.

3. Commencement of Commonwealth Act.—The Commonwealth Invalid and Old-age Pensions Act was assented to on the 10th June, 1908, and payment of old-age pensions commenced as from 1st July, 1909. Provision is also made in the Act for the payment of invalid pensions. The part of the Act relating thereto, however, did not come into operation on the commencement of the Act, but is to commence on some subsequent date to be fixed by proclamation. This proclamation has not yet been made.

4. Administration of Commonwealth Act.—The general administration of the Act is, subject to the control of the Minister, placed in the hands of the Commissioner of Pensions, who is assisted by a Deputy Commissioner appointed in each State. Power is given to the Commissioner and the Deputy Commissioners to summon witnesses, receive evidence on oath, and require the production of documents for the purposes of the Act.

Each State is divided into districts, each of which is placed in charge of a Registrar, whose duties consist in receiving and investigating pension claims and in keeping such books and registers as are required for carrying out the provisions of the Act.

5. Pension Age.—For an old-age pension the age qualification is similar to that previously in force in New South Wales under the State Act, viz., attainment of the age of sixty-five years, or, in the event of permanent incapacitation for work, attainment of the age of sixty years. The Act also provides that the age qualification for women may be fixed by proclamation at sixty years instead of sixty-five, but no such proclamation has yet been made. For an invalid pension the age qualification is attainment of the age of sixteen years if accompanied by permanent incapacitation for work.

6. Length of Residence.—In the original Act of 1903 the residential qualification for an old-age pension was the same as that of the New South Wales Act, viz., continuous residence for twenty-five years. Owing, however, to the fact that in the other two States in which pensions were payable under the State regime the residential qualification was only twenty years, an amendment of the Act was passed by the Federal Parliament in August, 1909, reducing the Commonwealth term to twenty years also, thus diminishing the chance of lapse of pension through transfer from State to Commonwealth. For an invalid pension continuous residence for at least five years is required. In neither case, however, is continuous residence in Australia deemed to have been interrupted by occasional absences not exceeding in the aggregate one tenth of the total period of residence. The applicant for any pension must be residing in Australia on the date when he makes his claim, and in the case of an invalid pension must have been incapacitated while in Australia.

7. Rates of Pension.—The rate of pension payable, whether for old age or invalidity, is required by the Act to be determined by the Commissioner or one of the Deputy Commissioners, and is to be fixed at such amount as he deems reasonable and sufficient, having regard to all the circumstances of the case, but must not exceed £26 per annum

in any event, nor be at such a rate as will make the pensioner's income, together with pension, exceed £52 per annum.

8. Limitations in respect of Income and Property.—With a view to restricting the pensions to persons actually needing assistance, provision was made in all the State Acts reducing the payment when the applicant already possessed income or property above a given amount. This principle is also embodied in the Commonwealth Act. In the case of independent income it has already been mentioned that the pension payment must be so modified that the aggregate income, inclusive of pension, does not exceed £52 per annum. Payments received by way of benefit from any registered friendly society, or during illness, infirmity, or old age from any trade union, provident society, or other society or association, are not, for the purposes of the Commonwealth Act, treated as income. As regards accumulated property, the pension is subject to a deduction of £1 per annum for every complete £10 by which the net capital value of the property exceeds £50, except where the property includes a home in which the pensioner permanently resides, and which produces no income, in which case a net capital value of £100 is allowed prior to the pension deduction coming into operation. Accumulated property, whether in or out of Australia, to the value of £310 or upwards will disqualify for a pension, as will also an applicant's direct or indirect deprivation of himself of such property with the object of obtaining a pension. In the case of husband and wife, except where they are living apart pursuant to any decree, judgment, order or deed of separation, the net capital value of the accumulated property of each is deemed to be half the total net capital value of the accumulated property of both, and the amount of property in such case allowed prior to deduction is £50 if including, and £25 if not including a home.

9. Character of Applicant for Pension.—In all the State Acts provision was made that the recipients of old-age pensions should be persons of good moral character, and, in New South Wales and Victoria, imprisonment for extended periods would act as a disqualification. In the Commonwealth Act it is also provided that "no person shall receive an old-age pension unless he is of good character," but a similar provision is not made in the case of invalidity.

10. Number of Commonwealth Claims and Pensioners.—During the first six months of practical working of the Commonwealth Act, viz., the six months ended 31st December, 1909, the number of cases under consideration has been 67,986. Of these 40,201 were cases in which a State old-age pension was exchanged for one payable by the Commonwealth. The remaining 27,785 were new applications received during the six months, of which 22,705 were granted, 2,633 were rejected, and 2,447 were still in course of consideration on 31st December, 1909. Details for the several States are as follows:—

**COMMONWEALTH OLD-AGE PENSION BUSINESS.—SIX MONTHS ENDED
31st DECEMBER, 1909.**

State.	State Pensions exchanged for C'wealth.	New Applications.				Total Cases under Consideration.
		Granted.	Rejected.	In Course of Consideration.	Total Received.	
New South Wales ...	21,619	3,462	560	727	4,749	26,368
Victoria ...	11,944	7,751	744	157	8,652	20,596
Queensland ...	6,638	1,565	276	221	2,062	8,700
South Australia ...	...	5,065	551	786	6,402	6,402
Western Australia ...	...	1,948	340*	258	2,546	2,546
Tasmania ...	...	2,914	162	298	3,374	3,374
Commonwealth ...	40,201	22,705	2,633	2,447	27,785	67,986

* Including 81 withdrawn.

The total number actually in receipt of pensions on 31st December, 1909, is not available, as the statistics of discontinuances through death, departure, or other cause will not be compiled until the close of the first year of operation on 30th June, 1910.

11. Number of Pensioners under State Regime.—The following table furnishes particulars of the number of persons in receipt of old-age pensions in New South Wales, Victoria, and Queensland on 30th June in the years 1901 to 1909:—

**NUMBER OF PERSONS IN RECEIPT OF OLD-AGE PENSIONS UNDER STATE
REGIME.**

30th June.	New South Wales.	Victoria.	Queensland.	Total.
1901 ...	...	16,275	...	16,275
1902 ...	13,957	14,570	...	28,527
1903 ...	22,182	12,417	...	34,599
1904 ...	20,905	11,609	...	32,514
1905 ...	20,438	11,209	...	31,647
1906 ...	21,402	10,990	...	32,392
1907 ...	21,465	10,732	...	32,197
1908 ...	21,685	11,288	...	32,973
1909 ...	22,110	12,368	6,638*	41,116

* Number taken over by Commonwealth.

12. Amount Paid in Pensions.—From the inauguration of the old-age pensions schemes in the Commonwealth to the 30th June, 1909, the total sum paid in this manner amounted to no less than £6,052,306, of which New South Wales provided £3,978,770, Victoria £1,924,709, and Queensland £148,827. Details for the period are as follows:—

AMOUNT PAID TO OLD-AGE PENSIONERS UNDER STATE REGIME, 1900-1 to 1908-9.

Year.	New South Wales.	Victoria.	Queensland.	Total.
	£	£	£	£
1900-1 ...	...	129,338	...	129,338
1901-2 ...	436,183	292,432	...	728,615
1902-3 ...	524,967	215,972	...	740,939
1903-4 ...	508,133	205,183	...	713,316
1904-5 ...	496,300	200,464	...	696,764
1905-6 ...	489,095	189,127	...	678,222
1906-7 ...	494,227	187,793	...	682,020
1907-8 ...	503,030	233,573	...	736,603
1908-9 ...	526,835	270,827	148,827	946,489

In New South Wales the average pension paid during the year 1908-9 amounted to £23 16s. 6d., or approximately 9s. 2d. per week, while the Victorian average for the same year was £22 16s., or about 8s. 9d. per week.

13. Invalidity and Accident Pensions.—As already noted in paragraph 3, above, the invalidity provisions of the Commonwealth Act have not yet come into operation.

Under the Victorian old-age pension system provision was made for payments in case of permanent disablement or ill-health caused by engagement in mining or any unhealthy or hazardous occupation. The returns furnished, however, do not disclose the numbers and amounts of such pensions distinct from those relating purely to old-age. In New South Wales incapacity through sickness or injury at ages sixty to sixty-four was made a basis of claim for old-age pension, and this principle was, by the Invalidity and Accident Pensions Act of 1907, considerably extended. The number of pension certificates issued under this latter Act which were current on 30th June, 1909, was 3714, and the amount paid in pensions during the year 1908-9 was £75,373. These figures are not included in those given above for old-age pensions.

14. **Cost of Administration.**—In consequence of the shortness of the time during which the Commonwealth scheme has been in operation, particulars as to cost of administration under it are not yet available. Under the State regime, owing to the differences in the methods of administration, the cost involved in paying old-age pensions was throughout much higher in New South Wales than in Victoria. This was to a large extent due to the fact that in the former State a heavy charge was levied for commission on payment of pensions by the bank through which such payments were made, while in the latter the pensions were paid through the medium of the Post-office. Particulars of the cost of administration in the three States in which old-age pensions were paid are given in the following table:—

COST OF ADMINISTRATION OF OLD-AGE PENSION SCHEMES, 1900-1 to 1908-9.

Year.	New South Wales.	Victoria.	Queensland.	Total.
	£	£	£	£
1900-1 ...	—	711	—	711
1901-2 ...	17,258	2,799	—	20,057
1902-3 ...	20,567	2,185	—	22,752
1903-4 ...	20,341	1,670	—	22,011
1904-5 ...	22,040	1,682	—	23,722
1905-6 ...	21,248	1,811	—	23,059
1906-7 ...	20,949	1,890	—	22,839
1907-8 ...	22,574*	1,975	—	24,549
1908-9 ...	25,141*	1,905	1,280	28,326

* Including invalidity and accident pension expenditure.

For the year 1908-9 the cost of administration in New South Wales represented no less than 4.17 per cent. of the amount actually paid in pensions, while in Victoria the cost of administration amounted to only 0.70 per cent. of the pension payments, while in Queensland the corresponding percentage was 0.86. Compared with the number of pensioners the cost of administration in New South Wales for 1908-9 represented £1 0s. 5d. per head, and in Victoria 3s. 3d. per head.

15. **Estimated Cost of Commonwealth Old-age Pension Scheme.**—In the two previous issues of the Year Book estimates of the probable cost of the Commonwealth scheme were given. The former of these, based largely on the old-age pension experience of New South Wales, taken in conjunction with the census results of 31st March, 1901, and the subsequent estimates of increase of population, brought out a sum of £1,580,000 as representing the probable cost, including administration, if the New South Wales Scheme had operated throughout the Commonwealth during 1906-7. In the second issue of the Year Book the results of a more extensive investigation were published. These were obtained from an analysis of the New Zealand old-age pension experience, combined with the Australian Census results of 1881, 1891 and 1901, and gave an estimate for each year—

from 1909-10 to 1926-7 of the probable cost, including administration, of the Commonwealth scheme as provided in the original Act. The figures so obtained for the year 1909-10, were £1,440,000; for 1914-15, £1,615,000, and for 1919-20, £1,854,000. The reduction of the residential qualification from 25 to 20 years under the Amending Act of 1909, has had the effect of somewhat increasing the number eligible for pensions, and consequently of increasing the probable cost. The extent of this increase would be probably about 4 per cent., which would give the estimated cost under the present system, on the assumption that the Commonwealth conditions will not differ materially from those of New Zealand, as follows:—1909-10, £1,498,000; 1914-15, £1,681,000; and 1919-20, £1,928,000. After the results of the first year's operation under the Commonwealth Act are known, it will be possible to make an estimate of cost of old-age pensions for future years on a sound basis. All others must be regarded as purely tentative.

With reference to the probable cost of invalidity pensions for the Commonwealth, the only experience available is that of New South Wales, where the number in force on 30th June, 1909, was 3714, and the cost, inclusive of administration, was approximately £79,200. On this basis, the cost of such a scheme for the Commonwealth, as a whole, may be roughly estimated at £210,000 for 1909-10, increasing in subsequent years probably in proportion to the population.

16. Liability Undertaken in Granting Old-age Pensions.—As an indication of the extent of the responsibility which an old-age pension scheme involves, it may be mentioned that in connection with the evidence tendered to the Commonwealth Commission on Old-age Pensions a computation was made of the total liability in respect of accrued pensions which the Commonwealth would have incurred if, at 31st March, 1901, the date of the Census, 39 per cent. of the persons aged sixty-five and upwards were entitled to pensions of ten shillings per week. The present value at that date of the liability so computed was £10,415,820. (See Minutes of Evidence of Royal Commission on Old-age Pensions, p. 80.)

§ 4. Local Option.

1. General.—The principles of local option as to the sale of fermented and spirituous liquors have been introduced into all the States of the Commonwealth except Western Australia, in which State the matter is under consideration in connection with a proposed amendment of the licensing laws.

2. New South Wales.—The Acts in force relating to local option in this State are the Liquor Amendment Acts 1905 and 1907. There were formerly two Acts which dealt with the subject, viz., the Licensing Acts 1882 and 1883, consolidated by the Liquor Act 1898. Under the Act of 1905, which came into force on the 1st January, 1906, the local option vote is to be taken in every electorate on the day fixed for the poll therein at each general election. The option with regard to licenses extends to publichouses, wineshops, and clubs, and the persons entitled to vote are those entered on the Parliamentary electoral rolls.

(i.) *Resolutions to be Submitted.* Except where resolution (c)—see below—has previously been carried, and is in force in an electorate, the following resolutions are to be submitted:—(a) That the number of existing licenses continue. (b) That the number of existing licenses be reduced. (c) That no licenses be granted in the electorate. Where resolution (c) has previously been carried the resolution to be submitted is:—(d) That licenses be restored in the electorate. Resolutions (a) and (b) are carried by a simple majority of the votes given, but neither resolutions (c) nor (d) will be carried unless at least three-fifths of the votes given are in favour thereof, whilst at least 30 per cent. of the number of electors on the rolls must vote for such resolution. If resolution (c) is not carried, the votes given in favour of that resolution are to be added to the votes given for resolution (b).

(ii.) *Effects of Resolutions.* The effects of carrying the resolutions are as follow:—If resolution (a) is carried, the number of licenses may not exceed the number at the time of taking the vote. If resolution (b) is carried, the number of licenses must be reduced, and may be reduced to three-fourths the number at the time of voting. If resolution (c) is carried, no licenses may be granted, renewed, or transferred. If resolution (d) is carried, licenses may be granted, renewed, and transferred, but so that the number of licenses is not greater than the number held when resolution (c) was carried, nor less than half such number.

For the purpose of effecting a reduction under resolution (b), a special court determines the reduction to be made in the number of existing licenses, and decides which premises are to be closed. The best conducted premises are given a preference over others. If resolution (c) is carried, it is to take effect at the expiration of three years from the date of the vote.

(iii.) *Local Option Votes, 1907.* The first local option vote under the Act of 1905 was taken at the general election on the 10th September, 1907. The following statement shews the number of electorates in which each of the resolutions was carried :—

NEW SOUTH WALES.—EFFECTS OF LOCAL OPTION VOTES, 1907.

<i>Resolution</i>	(a)	(b)	(c)
<i>Number of electorates in which carried</i>	25	64	0

In one electorate (Allowrie) the Supreme Court decided that the vote was ineffective.

3. **Victoria.**—The Acts dealing with the subject of local option as to the sale of fermented and spirituous liquors in this State are the Licensing Acts 1890, 1906, and 1907. Other Acts, now repealed, which dealt with the subject are the Licensing Acts 1876, 1885, and 1888.

The last division of the Act of 1906 relates to the subject of local option; this division, however, does not come into force until the 1st January, 1917. In the meantime, in order to reduce the number of victuallers' licenses in Victoria, a Licenses Reduction Board is constituted.

(i.) *The Licenses Reduction Board.* Although the operations of this Board are not conducted in accordance with the principles of local option, the duties of the Board are, until the 31st December, 1916, after which date a system of local option comes into force under the Act of 1906, to reduce the number of licenses in excess of the statutory number, and to award compensation according to the scheme provided for by that Act. The Board consists of three members at a salary of £800 per annum each, who may not engage in any business or employment other than the duties of their office as members of the Board. The first Board was appointed on the 21st May, 1907. A Compensation Fund has also been established under the Act, and is raised by means of a compensation fee at the rate of 3 per cent. on the value of liquor purchased by every licensed victualler. The owner of the premises is chargeable with two-thirds, and the tenant with one-third of the compensation fee. The total amount paid into the Compensation Fund was £48,233 for the year 1907, £48,543 for 1908, and £49,300 for 1909. When any reduction of licensed premises has been made, the remaining hotels, which will be benefited, are to bear a *pro rata* assessment to make up the amount of license fees lost. The maximum compensation, which is payable out of the Compensation Fund referred to above, is to be based on the results of the three years preceding the 31st December, 1906, in the case of owners, and of the three years preceding the 31st December, 1905, in the case of licensees. Up

to the 31st December, 1909, 311 hotels had been closed by the Board, 114 of this number having surrendered their licenses. Compensation was awarded in the case of 304 hotels, the total paid amounting to £140,846, or an average of £463 each. Certain of the compensation moneys, amounting to £1464, were made payable and have been paid in 1910 out of the fund for that year. Ninety-nine of these hotels were situated in the metropolitan district, while the remaining 212 were in country districts. In 45 cases no claims for compensation were made by the licensees. Seven cases for compensation in the country yet remain to be heard. The following table shews particulars of the operations of the Board up to the 31st December, 1909:—

VICTORIA.—OPERATIONS OF LICENSES REDUCTION BOARD, 31st DECEMBER, 1909.

Particulars.	Licenses in December, 1906.			Hotels De- prived of Licenses	Compensation Awarded.		Hotels Surren- dered.	Compensation Awarded.	
	Number in Exist- ence.	Statutory Number.	Number in Excess.		Owner.	Licensee.		Owner.	Licensee.
Metropolitan & Suburban Country	1,020 2,440	877 1,622	401 976	97 100	£ 65,824 33,387	£ 11,542 5,482	2 112	£ 2,371 19,262	£ 519 2,459
*Total ...	3,460	2,499	1,377	197	99,211	17,024	114	21,633	2,978

* In some districts the number of hotels was below the statutory number; in these districts the total number of hotels less than the statutory number was 418.

No reduction of any licensed premises is allowed in any licensing district in which the number of licensed premises is below the statutory number, but new licenses may, until 1917, be granted in such districts provided that a majority of the electors vote in favour of the increase, and that at least one-third of the number of electors on the roll record their votes.

(ii.) *Local Option Resolutions.* A local option vote of the electors is to be taken in every electoral district for the Legislative Assembly on the day fixed for the poll at each general election after the 1st January, 1917. The resolutions to be submitted, the majorities necessary, and the effects of carrying the resolutions are the same as specified in the case of New South Wales. Where any license existing before the 1st February, 1886, is cancelled as the result of a local option vote, the owner and licensee have each a claim to be paid out of the Compensation Fund, but only to the extent that such fund is from time to time available. If it appear to the Treasurer that there is not sufficient money in the fund to meet the claims, he may require every licensed victualler in Victoria to pay an additional compensation fee in order to satisfy the claims.

4. **Queensland.**—In Queensland the subject of local option is dealt with in Part VI. (sections 114 to 126) of the Licensing Act 1885. The provisions of that part of the Act may be applied in any municipality or division, or any subdivision of either, or in any other area which forms part of a municipality or division, and also forms part of one licensing district.

(i.) *Resolutions to be Submitted.* Any number, not less than one-sixth, of the ratepayers in an area may, by notice in writing, require the chairman of the local authority to take a poll of the ratepayers for or against the adoption of all or any of the following resolutions to have effect within the area, viz.:—(a) That the sale of intoxicating liquors be prohibited. (b) That the number of licenses be reduced to a certain number, specified in the notice, not less than two-thirds of the existing number. (c) That no new licenses be granted. The persons entitled to vote are those whose names

are on the voters' roll or rate-book of the municipality or division of which the area forms part, as rated in respect of property within the area. Resolutions (b) and (c) may be carried by a simple majority, but resolution (a) cannot be carried unless "a majority of two-thirds of the votes recorded in respect of that resolution . . . is in favour of its adoption."

(ii.) *Effects of Resolutions.* If resolution (a) is adopted, it comes into force on the 30th June in the year following that in which the notice requiring the poll was given. If (b) is adopted, the licensing authority must restrict the total number of licenses and certificates granted or renewed to or within the number specified. If resolution (c) is adopted the licensing authority may not grant any new certificates for a licensed victualler's license or wine-seller's license.

(iii.) *Re-submission of Resolutions.* If resolution (a) is adopted, a poll may not be demanded again until after the expiration of three years from the date of adoption, and in such case a poll may be taken on resolution (a) only. If (b) is adopted, a poll may be again demanded on it or on the question of a further reduction, or on the adoption of the resolutions (a) or (c), but not until the expiration of two years after the last poll was taken. If resolution (c) is adopted, a poll may again be demanded on it or on resolutions (a) or (b), but not until the expiration of two years after the last poll was taken. If all the resolutions are rejected, a poll may not be demanded again until after the expiration of two years from the date of the last poll.

(iv.) *Resolutions Adopted, 1908.* At the end of the year 1908, resolution (a) was in force in three areas in Queensland, viz., the Tambourine shire, subdivision No. 3; Tiaro shire, Bauple district; and Inglewood shire (town of Silverspur). Up to the same date a poll as to resolution (b) had not been demanded in any area. The following statement shews the number of areas in which each resolution was either in force or precluded up to the 31st December, 1908:—

QUEENSLAND.—NUMBER OF AREAS IN WHICH LOCAL OPTION RESOLUTIONS WERE IN FORCE OR PRECLUDED FROM ADOPTION, 31st DECEMBER, 1908.

Particulars.	Resolution (a).	Resolution (b).	Resolution (c).	Total.
No. of areas in which resolutions in force ...	3	0	83	86
No. of areas in which resolutions precluded from being put in force ...	0	0	9	9
Total ...	3	0	92	95

The only resolution upon which a poll had been demanded within the metropolitan district (ten-miles radius) was resolution (c); this resolution is in force in thirty-three areas within the metropolitan district and has not been precluded in any area within that district.

5. **South Australia.** In this State the subject of local option is now regulated by Part V. of the Licensing Act 1908. Acts which formerly dealt with the subject were the Licensed Victuallers Amendment Act 1891, the Licensed Victuallers Further Amendment Act 1896, and the Local Option Act 1905.

Under the Licensing Act of 1908 each electoral district for the House of Assembly is constituted a local option district, and each electoral district may be divided into local option districts by proclamation of the Governor. A quorum consisting of 500 electors, or one-tenth of the total number of electors, whichever be the smaller number, in any district may petition the Governor for a local option poll. The persons entitled to vote at the poll are those whose names appear on the electoral roll and who reside in the

local option district. The option extends to (a) publicans' licenses, (b) wine licenses, (c) storekeepers' Australian wine licenses, (d) storekeepers' licenses, and (e) club licenses.

(i.) *Resolutions to be Submitted.* The following are the resolutions which are to be submitted, under the Act of 1908, at every poll:—(a) That the number of licenses be reduced. (b) That the number of licenses be not increased or reduced. (c) That the number of licenses be increased in the discretion of the Licensing Bench. Any one of the resolutions is carried by a majority of the valid votes recorded. If the votes recorded in favour of resolution (a) do not constitute a majority, such votes are to be added to the votes in favour of resolution (b). If the sum of the votes recorded in favour of resolutions (a) and (b) do not constitute a majority, such votes are to be added to those recorded in favour of resolution (c).

(ii.) *Effects of Resolutions.* As to each class of license of which there are not less than three licenses current within the local option district at the date of the poll, the first resolution is to be taken to mean that the number of licenses so current be reduced by one-third, and as to each class of license of which there are less than three current, the first resolution is to be taken as equivalent to the second resolution.

The constitution of special Benches consisting of three members, appointed by the Governor, is provided for in order to give effect to the first resolution. A special Bench also deals with resolutions for the reduction of licenses adopted before the passing of the Act of 1908, but not then given effect to.

(iii.) *Resolutions Adopted.* Under the Acts prior to that of 1908 resolutions to reduce the number of licenses had been adopted in nine districts, in four of which, however, the polls were subsequently declared void. Special Benches were appointed in January, 1909, to deal with the determinations of electors in those districts in which the result of the polls were in favour of reducing the number of licenses, viz., in the districts of Port Adelaide, East Torrens, and Sturt. In accordance with the determinations of these Benches it was decided in February and March, 1909, that the following licenses, namely—thirty-five publicans', one wine, eleven storekeepers' colonial wine, and one storekeeper's—should not be renewed.

(iv.) *Local Option Polls, 1910.* On the 2nd April, 1910, local option polls were taken under the Act of 1908 in twenty-four districts; the electors in the remaining nine local option districts did not petition for polls. Preliminary results of the voting shew that resolution (a) was carried in one district only.

6. *Tasmania.*—In this State the subject of local option is dealt with in Part VI. (sections 72 to 84) of the Licensing Act 1902. Other Acts which formerly dealt with the subject, but now repealed, are the Licensing Acts 1889 and 1890, the Inn Keepers Relief Act 1894, and the Licensing Act Amendment Act 1899. Under the Act of 1902, opposition to the grant of a license may be made (i.) by any resident ratepayer, (ii.) by petition of ratepayers resident in the neighbourhood, or (iii.) by local option poll.

(i.) *Opposition by Resident Ratepayer.* Any ratepayer resident in the district in which a house in respect of which an application for an hotel or publichouse certificate is intended to be made is situated, may, by giving five days' notice to the Clerk of Petty Sessions, oppose the grant of the certificate before the Licensing Bench. The objections which may be taken to the granting of a certificate for an hotel or publichouse license are as follows:—(a) That the applicant is of bad character; (b) that he has been convicted of certain specified offences; and (c) that the house in respect of which the application is made does not comply with the requirements of the Act. The objections which may be taken to the granting of a provisional certificate for an hotel license are:—(a) That the house does not comply with the requirements of the Act, and (b) that an hotel is not required in the neighbourhood.

(ii.) *Petition of Resident Ratepayers.* The ratepayers resident in the neighbourhood of a house in respect of which an application for a license is made may petition the Licensing Bench against the granting of such license. The neighbourhood referred to is defined as meaning a space within a radius of 200 yards from the front door of the house

if within a city, within a radius of 500 yards if within a town, and within a radius of one mile if the house is not situate within a city or town. If the petition is directed against the granting of a provisional certificate, and is signed by a majority of the resident ratepayers, the bench must refuse to grant the certificate.

(iii.) *Local Option Poll.* - Any number of ratepayers, not less than seven, resident in the neighbourhood of the house in respect of which a provisional certificate for an hotel license has been applied for, may require, by petition lodged with the Clerk of Petty Sessions, that a poll of the ratepayers resident in the neighbourhood be taken upon the question whether such provisional certificate be granted or not. If a majority of the votes taken be against the granting of the certificate the Licensing Bench must refuse to grant it.

Particulars as to operations under Part VI. of the Act are not available.

§ 5. Valuation of Commonwealth Production.

The want of uniformity in methods of compilation and presentation of Australian statistics renders it an extremely difficult task to make anything like a satisfactory valuation of the various elements of production. At present there is so little accurate statistical knowledge regarding such industries as forestry, fisheries, poultry, and bee-farming, that any valuation of the production therefrom can only be regarded as the roughest approximation. As a matter of fact complete information as to value of production in all States is available in regard to the mining industry alone, and even in this case adjustments have to be made before the returns are strictly comparable. Careful estimates have been made in some of the States in connection with the value of production from the agricultural and pastoral industries, and where such returns are not available estimates have been made which, it is believed, in the main give fairly accurate results. In the case of manufactories, five of the States in 1908 collected statistics of the value of production, while for the sixth State, Tasmania, an estimate has been prepared which it is believed gives a fair approximation. While the difficulties in the way of obtaining adequate valuations for all classes of production are serious enough at the present time they are still more pronounced in seeking to obtain information as to values for earlier years, when the returns were far more incomplete. It must be clearly understood, therefore, that the values given in the succeeding tables are, in general, approximations only. With the adoption of the forms and methods of tabulation agreed upon at the Statisticians' Conference of 1906 it is hoped, however, that at no distant date fairly complete valuations will be available for all industries, and the returns collected in 1908 certainly shew a considerable improvement over those of previous years. In the meantime the figures quoted must be taken with all their limitations. The table hereunder shews the approximate value of the production from all industries during the year 1908:—

ESTIMATED VALUE OF PRODUCTION FROM INDUSTRIES, 1908.

State.	Agriculture.	Pastoral.	Dairy, Poultry, & Bee-farming.	Forestry and Fisheries.	Mining.	Manufacturing.* (Val. added in Process of Manuf.)	Total.
N.S. Wales ...	£1000 9,686	£1000. 22,021	£1000. 5,425	£1000. 1,165	£1000. 8,381	£1000. 14,053	£1000. 60,731
Victoria ...	12,922	6,223	5,346	715	2,963	11,723	39,892
Queensland ...	3,462	11,709	2,294	982	3,828	3,738	26,013
South Aust. ...	7,119	3,905	1,137	182	528	3,742	16,613
West. Australia	1,949	2,317	297	1,025	7,245	2,152	14,985
Tasmania ...	2,012	1,084	546	217	1,623	1,229	6,711
C'wealth ...	37,150	47,259	15,045	4,286	24,568	36,637	164,945

* These amounts differ from those given in Section XIII., Manufacturing Industries, owing to certain products which are there included having been included in Dairy Farming and Forestry in this table.

A glance at the figures in the above table will give some idea of the distribution of the great producing industries throughout the Commonwealth. Thus Victoria and New South Wales, as might naturally be expected, take the leading position in Agriculture, with South Australia and Queensland following. In Pastoral Production, New South Wales is easily first, with Queensland second. In Dairy-farming New South Wales occupies the leading position, followed in order by Victoria, Queensland, and South Australia, while in Forestry and Fisheries, and in Mining, New South Wales and Western Australia occupy first and second place respectively. Manufactories on an extensive scale are at present practically confined to New South Wales and Victoria.

The total production from all industries was £164,945,000, equal to an average of £38 19s. 2d. per inhabitant.

In the next table will be found the value of production at decennial intervals since 1871, and for the year 1903. The figures for the Census years have been taken from "Australia and New Zealand," and, in view of what has been said in a previous paragraph, must be regarded as very rough estimates only:—

ESTIMATED VALUE OF PRODUCTION, 1871 to 1908.

State.	1871.	1881.	1891.	1901.	1908.	Develop- ment* since 1871.
	£1000.	£1000.	£1000.	£1000.	£1000.	
New South Wales ...	15,379	25,180	36,740	38,954	60,731	3.9
Victoria ...	19,260	22,750	30,320	30,807	39,892	2.1
Queensland ...	3,995	10,200	14,274	16,933	26,013	6.5
South Australia ...	5,228	8,457	9,026	10,314	16,613	3.2
Western Australia ...	707	943	1,806	12,544	14,985	21.2
Tasmania ...	2,131	3,586	3,921	5,033	6,711	3.1
Commonwealth ...	46,700	71,116	96,087	114,585	164,945	3.5
Average per head ...	£ s. d. 27 17 2	£ s. d. 31 1 3	£ s. d. 29 19 9	£ s. d. 30 2 6	£ s. d. 38 19 2	1.4

* Ratio of production for 1903 to that for 1871.