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## SECTION XXXIV.

## MISCELLANEOUS.

## § I. 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 promoting 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.

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 most of the State Governments with several of the principal shipping companies for substantial 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 greatly 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, and special concessions are granted in respect of fares on the Government railways. In other cases endeavours are made to obtain employment for each applicant according to his special needs and qualifications.

(iii.) *Numbers of Immigrants.* Particulars of the net immigration to the Commonwealth are given on pages 100 and 107, and of assisted immigration on page 112, hereinbefore.

(iv.) *Recent Immigration.* During 1910 and the three subsequent years, a great advance has been made in Australian immigration generally, the State Governments having adopted more active and direct means than had hitherto existed for making the advantages and opportunities of their respective States better known to the people of the United Kingdom, Europe, and America. In Victoria, to which State a small number of emigrants from America had been attracted (chiefly by the irrigable areas), it was decided to further enlighten American and Canadian home-seekers with regard to irrigated lands, and a delegation was accordingly sent to Vancouver by the Victorian Government to arrange for a special excursion of land-seekers, who arrived in Australia early in May, 1912. Many of them have since taken up land in the irrigable areas and other portions of the State. It appears likely that the success of the Victorian experiment will result in definite steps being initiated by the other States of the Commonwealth to attract population from similar sources.

(v.) *Uniform Rates for State-aided Immigrants.* The matter of State-aided immigration to Australia was discussed at the Premiers' Conference, held in Melbourne early in 1912, and this resulted, amongst other things, in the fixing of a scale of minimum rates of passage money which immigrants to any of the States would be charged in future, such rates to operate as from 31st March, 1912. It was expressly agreed, however, that, while no State should charge a lower amount than those mentioned, no objection would be made to higher rates being imposed. The minimum scale of passage rates arranged at the Conference is as follows:—(a) Farmers, farm hands, skilled artisans, and all nominated, assisted, or indentured male immigrants, £6. (b) Adult females, £3. (c) Children of immigrants under 12 years of age, £1 10s. Age limits for all State-aided immigrants were also fixed as follows:—(a) Males, married women and widows, 45 years. (b) Single women, 35 years. The only free immigrants to be those whom the shipping companies carry free. It was also arranged that the maximum bonus payable to immigration agents be as follows:—(a) Per adult, £1; per child under 12 years, 10s. (b) In the case of an assisted immigrant recruited by an agent nominating his wife and family within twelve months of his arrival in the State, a similar bonus on account of the wife and family be paid to the agent. (c) In the cases of immigrants with capital of £200 and over, which capital is deposited with the Agent-General for transmission to the State, an additional bonus of 1 per cent. to the agent on the capital so deposited.

**3. Commonwealth Scheme of Immigration.**—For the financial year 1913-14 a sum of £50,000 was voted to the Commonwealth Department of External Affairs for advertising the attractions of Australia for settlers, farm workers, and tourists. The State Immigration Bureaux co-operate with the Department of External Affairs in keeping the High Commissioner for Australia in London advised as to the openings for agricultural workers, and as to general information concerning matters of interest to intending settlers. A press advertising campaign has been initiated, the Commonwealth carrying on the general advertising of Australia by means of paragraphs and illustrated articles in British, European, and American publications, while the several States advertise for the class of immigrants they specially require. Bioscope films are utilised for the illustration of lectures. Exhibitions are held throughout the chief rural districts and at the important agricultural shows in Great Britain, and handbooks for settlers and tourists, as well as folders and other publications, have been issued. Pictorial posters are also 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., G.C.M.G., ETC.  
COMMONWEALTH OFFICES,  
72 VICTORIA STREET,  
LONDON, S.W.

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

**AUSTRALIAN AGENTS-GENERAL.**

<i>New South Wales</i>	Sir T. A. COGHLAN* ...	123-125 Cannon St., London, E.C.
<i>Victoria</i> ...	Sir PETER MCBRIDE ...	Melbourne Place, Strand, London
<i>Queensland</i> ...	Major Sir 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>	Sir NEWTON J. MOORE, K.C.M.G. ...	15 Victoria St., Westminster, London
<i>Tasmania</i> ...	Hon. SIR J. MCCALL, M.D.	56 Victoria St., Westminster, London

\* Retiring in 1915, successor Hon. B. R. Wise, K.C.

**(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, 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 26 herein.)

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

The first Act passed, dealing with this matter, was the Immigration Restriction Act 1901, which contained provisions restricting the immigration of the classes of persons previously mentioned, and also persons under contract to perform manual labour. The provisions regarding contract labour were repealed and amended by the Contract Immigrants Act 1905, and the principal Act was also amended by the Immigration Restriction Amendment Act 1905, and subsequently by the Immigration Restriction Acts of 1908 and 1910, and the Immigration Act of 1912. The immigration of alien races and undesirable persons is now regulated by Immigration Acts 1901-12. Admission of immigrants under contract to perform manual labour is, however, still controlled by the provisions of the Contract Immigrants Act 1905, and will be 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, which must be obtained before the immigrant lands in Australia, 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 carried out.

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 not possessed of the prescribed certificate of health. (c) Any idiot, imbecile, feeble-minded person, or epileptic. (d) Any person suffering from a serious transmissible disease or defect. (e) Any person suffering from pulmonary tuberculosis, trachoma, or with any loathsome or dangerous communicable disease, either general or local. (f) Any person suffering from any other disease or mental or physical defect, which from its nature is, in the opinion of an officer, liable to render the person concerned a charge upon the public or upon any public or charitable institution. (g) Any person suffering from any other disease, disability, or disqualification which is prescribed. (ga) Any person who has been convicted of a crime and sentenced to imprisonment for one year or more, unless five years have elapsed since the termination of the imprisonment. (gb) Any person who has been convicted of any crime involving moral turpitude, but whose sentence has been suspended or shortened conditionally on his emigration, unless five years have elapsed since the expiration of the term for which he was sentenced. (gc) Any prostitute, procurer, or person living on the prostitution of others.

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 in general practice the dictation test is not imposed upon persons of European race.

Regarding (b), the Amending Act of 1912 provides for the establishment of Commonwealth Medical Bureaux at places outside the Commonwealth, and the appointment of medical referees to examine intending immigrants and issue certificates of health in the prescribed form, on payment of a prescribed fee. A chief medical officer has already been appointed to take charge of the Bureaux attached to the High Commissioner's Office in London. He will arrange for the selection of suitable medical referees for appointment to act at various centres throughout the United Kingdom.

Provision is also made for the medical examination of, and the issue of certificates of health to, intending immigrants who embark at a port where there is no medical referee, or who arrive in the Commonwealth without a certificate in the prescribed form.

Pending the proper organisation in the United Kingdom of the Medical Bureaux and the appointment of medical referees, the requirement that immigrants must produce a certificate of health on arrival in Australia will not be enforced.

(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. The exemption of members of a crew during the vessel's stay in port is subject to the production of identification cards to an officer on demand. This provision will not be enforced in respect of white members of a crew, but there is a further provision which empowers an officer to refuse any member of a crew permission to land unless he is satisfied that such person is free from a communicable disease. 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 two years after he has entered the Commonwealth. This applies particularly to coloured persons, but any immigrant found within three years of entering the Commonwealth to be suffering from a prohibitory disease or defect may be deemed to be a prohibited immigrant unless it is proved to the Minister's satisfaction that he was free from the disease or disability at the time of his arrival in Australia.

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 to or in substitution for such imprisonment, 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 *bonâ 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. The Immigration Act 1912 provides for a penalty of £200 for each stowaway in cases where the master has been convicted of a similar offence within the preceding twelve months. Power is given to search vessels for stowaways. The Immigration Restriction Act 1910 provides penalties for being concerned in bringing immigrants secretly to the Commonwealth.

**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 not being, 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, and also by the Collector of Customs in each State.

**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, 1906 to 1914.**

Year.	Persons Admitted who Passed Education Test.	Persons Admitted without Passing Education Test.	Persons Refused Admission.
1906 ...	Nil	57,646	53
1907 ...	Nil	72,089	62
1908 ...	1	75,670	108
1909 ...	1	83,324	108
1910 ...	Nil	94,543	42
1911 ...	Nil	139,020	83
1912 ...	Nil	163,990	187
1913 ...	Nil	140,251	109
1914 ...	Nil	110,701	54

**NATIONALITY OF PERSONS ADMITTED, 1906 to 1914.**

Nationality.	1906.	1907.	1908.(a)	1909.(a)	1910.	1911.	1912.	1913.	1914.
	Without Test.	Without Test.	Without Test.	Without Test.					
<b>EUROPEANS—</b>									
Austrians ...	691	651	736	895	815	1,184	855	794	676
Belgians ...	33	64	45	35	50	84	95	63	63
British ...	47,396	60,172	64,374	71,201	81,457	124,061	146,602	122,443	93,136
Danes ...	259	280	227	272	269	393	371	444	478
Dutch ...	91	94	120	187	175	307	435	289	287
French ...	1,866	1,685	1,546	1,347	1,160	1,166	1,238	1,491	1,187
Germans ...	1,339	1,909	1,911	2,109	2,449	2,517	3,501	3,155	3,395
Greeks ...	240	202	296	327	380	583	736	480	772
Italians ...	839	992	902	1,078	883	1,365	1,632	1,963	1,642
Maltese ...	...	...	...	...	...	41	122	193	464
Poles ...	5	6	22	24	11	34	17	7	12
Portuguese ...	3	6	5	10	3	6	9	25	12
Rumanians ...	...	...	12	11	3	13	24	9	34
Russians ...	293	388	349	466	735	994	1,159	1,334	1,446
Scandinavians ...	776	1,173	625	891	1,210	1,384	1,303	1,285	1,489
Spaniards ...	32	187	57	56	49	128	118	116	169
Swiss ...	68	78	78	131	130	190	209	202	220
Turks ...	8	6	4	14	10	10	6	5	19
Other Europeans (b) ...	18	29	112	16	22	27	(d) 67	5	165
<b>AMERICANS—</b>									
N. Americans ...	887	889	687	692	746	914	1,386	1,713	1,529
S. Americans ...	12	15	10	14	13	17	37	14	31
American Indians ...	...	...	...	...	...	31	9	...	1
Negroes ...	4	9	4	6	14	13	47	7	23
West Indians ...	...	13	23	6	13	11	8	1	3
<b>ASIATICS—</b>									
Afghans ...	3	9	15	3	2	14	17	7	2
Arabs ...	...	8	13	1	1	1	18	14	19
Burmese ...	...	...	...	1	...	...	...	1	1
Chinese ...	1,134	1,424	1,771	1,729	1,817	2,009	2,250	2,286	1,975
Cingalese ...	6	12	10	10	14	4	17	8	9
Eurasians ...	...	...	...	6	14	7	13	2	...
Filipinos ...	120	57	27	37	66	17	13	12	4
Hindoos ...	75	129	74	130	156	188	157	187	305
Japanese ...	356	521	555	509	610	459	698	822	387
Javanese ...	52	1	...	52	4	12	6	3	20
Malays ...	436	370	230	309	304	470	326	303	291
Syrians ...	66	58	45	73	95	104	75	31	19
<b>OTHER RACES—</b>									
Maoris ...	2	8	48	108	62	31	32	41	21
Mauritians ...	...	...	3	3	4	9	2	7	1
Pacific Islanders ...	156	121	89	94	54	69	92	105	101
Papuans ...	368	493	430	439	622	139	196	171	189
St. Helena Blacks ...	...	...	1	1	...	...	...	...	...
Unspecified ...	32	30	14	31	141	(e) 65	(e) 102	(e) 214	(e) 104
<b>Total ...</b>	<b>57,646</b>	<b>72,089</b>	<b>75,670</b>	<b>83,324</b>	<b>94,543</b>	<b>139,020</b>	<b>163,990</b>	<b>140,251</b>	<b>110,701</b>

(a) One person was admitted, after passing the test, in each of the years 1908 and 1909. (b) Not specified. (c) Bulgarians. (d) Including 162 Bulgarians. (e) A large percentage of these immigrants was Timorese.

The following table has been prepared, shewing to what extent immigration has taken place into the several States of the Commonwealth from 1906 to 1914 :—

**IMMIGRATION INTO THE SEVERAL STATES OF THE COMMONWEALTH, 1906-1914.**

Year.	N.S.W.	Victoria.	Q'land.	S. Aust.	W. Aust.	Tas.	N.T.	C'wealth.
1906	35,987	10,555	2,459	1,909	4,798	1,801	137	57,646
1907	46,022	12,314	3,862	2,544	4,839	2,380	128	72,089
1908	48,068	12,840	4,474	2,788	5,142	2,171	187	75,670
1909	51,170	13,602	6,720	3,169	6,343	2,172	148	83,324
1910	53,029	14,942	10,353	3,988	9,881	2,168	182	94,543
1911	69,640	21,488	17,778	7,039	18,386	4,563	126	139,020
1912	86,239	34,568	11,820	10,035	16,624	4,480	224	163,990
1913	73,946	29,121	10,496	8,220	15,985	2,350	133	140,251
1914	67,221	20,727	8,594	4,820	6,954	2,249	143	110,701

## § 2. Patents, 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, with the exception of Tasmania in regard to copyrights, enacted its own laws. Any person, therefore, who desired to obtain the grant of a patent, or the registration of any copyright, trade mark, or design had necessarily, with the exception aforesaid, to incur the trouble and expense of making separate applications. The Commonwealth Constitution Act conferred upon the Federal Parliament power to legislate respecting these matters. (See page 26 hereinbefore.) The Patents Act of 1909 applied the laws relating to patents for inventions to the Territory of 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 as the Imperial Statutes, 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, 1909, and 1910. (See page 44 hereinbefore.) Under these Acts, which are administered by a "Commissioner of Patents," the powers and functions vested under the States Acts became vested in the Commonwealth. A single Commonwealth patent now gives throughout the Commonwealth and the Territory of Papua that protection which formerly could only be obtained by procuring a patent in each State and the said Territory. The rights of State patentees or the patentees in the Territory of Papua are in all cases reserved to them. The 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; provided, however, that any State other than the State in which the patent under the States Patent Act was granted may 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 Territory of Papua, and the only renewal fee (£5) is payable before the expiration of the seventh year of the patent, or within such extended time, not exceeding one year, and upon payment of further fees as may be allowed.

(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 resident in the Commonwealth 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 before 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.

(iii.) *Opposition to Grant of Patent.* Within three months of the advertisement of the acceptance of a complete specification, or within such further time, not exceeding one month, as the Commissioner on application made within the three months allows, 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 or from a person of whom he is the legal representative or assignee or nominee. (b) That the invention has not been communicated to the applicant by the actual inventor, his legal representative or assignee (if the actual inventor, his legal representative or assignee is not resident in the Commonwealth). (c) That the invention has been patented in the Commonwealth on an application of prior date or has been patented in a State. (d) That the complete specification describes or claims 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 to the Supreme Court of the State in which the Patent Office is situated.

(iv.) *Single Patent for Cognate Inventions, etc.* The provisions of the Act relative to single patents for cognate inventions, patents of addition and revocation of patents, will be found in detail in previous issues of the Year Book. (See No. 6, p. 1163.)

(v.) *Compulsory Working and Licenses.* At any time not less than four years after the date of a patent, and not less than two years after the 13th December, 1911, any person may apply to the High Court or the Supreme Court of the State in which the Patent Office is situated for an order declaring that the patent article or process is not manufactured or carried on to an adequate extent in the Commonwealth. From and after the time when any such order may take effect, the patent is not deemed to be infringed by the manufacture or carrying on in the Commonwealth of the patented article or process, or by the vending within the Commonwealth of the patented article made within the Commonwealth. Any person interested may, after the expiration of two years from the granting of the patent, present a petition to the Commissioner alleging that the reasonable requirements of the public with respect to a patented invention have not been satisfied and praying for the grant of a compulsory license or, in the alternative, for the revocation of a patent. If the parties do not come to an arrangement between themselves, the Commissioner, on being satisfied that a *prima*



## REVENUE OF COMMONWEALTH PATENT OFFICE, 1908 to 1914.

Particulars.	1908.	1909.	1910.	1911.	1912.	1913.	1914.
Fees collected under	£	£	£	£	£	£	£
States Patents Acts ...	2,006	1,703	1,940	768	118	50	16
Patents Acts 1903-10 ...	14,146	14,087	17,042	19,640	18,542	18,800	21,575
Receipts from publications ...	146	216	208	237	305	283	274
Petty receipts ...	32	33	33	48	50	49	81
Total ...	16,330	16,039	19,223	20,693	19,015	19,182	21,946

3. **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.” The Trade Marks Act of 1905 was amended by the Patents, Trade Marks, and Designs Act 1910, assented to on the 14th November, 1910, and by the Trade Marks Act 1912, and is now cited as The Trade Marks Act 1905-1912. The principal objects of the amending Act were to enlarge the scope of marks capable of registration, and repeal the provisions of the Act of 1905 relating to the “Workers Trade Mark,” the provisions regarding which were held to be unconstitutional. Special provisions for the registration of a “Commonwealth Trade Mark” are contained in the Act of 1905 and are applicable to all goods included in or specified by a resolution passed by both Houses of Parliament that in their opinion the conditions as to remuneration of labour in connection with their manufacture are fair and reasonable.

(i.) *Essential Particulars of Trade Marks.*—

Section 15. “A registrable trade mark shall consist of essential particulars with or without additional matter.”

Section 16. (1) “A registrable trade mark must contain or consist of at least one of the following essential particulars:—(a) The name of a company, individual, or firm represented in a special or particular manner; (b) the signature of the applicant for registration or some predecessor in his business; (c) an invented word or invented words; (d) a word or words having no direct reference to the character or quality of the goods, and not being according to its signification a geographical name or a surname; (e) any other distinctive mark, but a name, signature, or word or words, other than such as fall within the descriptions in the above paragraphs (a), (b), (c) and (d) shall not, except by order of the Registrar, Law Officer, or Court, be deemed a distinctive mark.”

(2) “For the purposes of this section ‘distinctive’ means adapted to distinguish goods of the proprietor of the trade mark from those of other persons.”

(3) “In determining whether a trade mark is so adapted, the Registrar, Law Officer, or Court may, in the case of a trade mark in actual use, take into consideration the extent to which such user has rendered such trade mark in fact distinctive for the goods with respect to which it is registered or proposed to be registered.”

(ii.) *State Registrations.* State registrations cease to be in force at the expiration of fourteen years from the date of the Commonwealth Act, or at the time when, under the State Trade Marks Act, the trade mark would, if after the commencement of the Commonwealth Act no fee for the continuance of its registration were paid, first become liable to removal from the register, whichever first happens. It is also provided that no fee shall be receivable nor shall any act be done after the commencement of the Commonwealth Act for the continuance of the registration of a trade mark under a State Act.

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 application for the registration of a new trade mark.

(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 mutual protection of trade marks may be made in a manner similar to that provided for the protection of patents. In this regard Australia has become a party to the International Convention for the protection of industrial property. 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, or such further time, not exceeding three months, as may, on application made within the first three months, be allowed.

(iv.) *Publications.* 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. *Designs.* Lists of registered owners of designs and the subject matter of applications are published weekly in the official Journal of Trade Marks. Indexes to names of applicants and subject matter of applications are compiled and are on sale.

**4. Designs.**—The Designs Act of 1906 came into operation on the 1st January, 1907, being subsequently amended by the Patents, Designs and Trade Marks Acts 1910, and the Designs Act 1912, and is now cited as the Designs Act 1906-12. 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. A separate application must be made in respect of each class in which the owner of the design desires it to be registered. 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. Provision is made by the amending Act of 1912 for an extension of the period of registration to 15 years, subject to applications for extension being made and the prescribed fees paid before the expiration of 5 and 10 years respectively. The owner of a registered design must within two years after registration substantially use the design, or cause it to be used, 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. The owner of a registered design must cause each article to which the design is applied to be marked before delivery for sale with the prescribed mark to denote that the design is registered.

**5. Applications for Trade Marks and Designs.**—The following table gives particulars of trade mark and design applications received and registered under the Commonwealth Acts from 1908 to 1914 inclusive:—

**TRADE MARK AND DESIGN APPLICATIONS RECEIVED AND REGISTERED UNDER:  
COMMONWEALTH ACTS 1908 to 1914.**

Applications.	1908.	1909.	1910.	1911.	1912.	1913.	1914.
<b>RECEIVED.</b>							
Trade Marks ...	1,580	1,688	1,729	1,977	1,803	1,957	1,619
Designs ...	155	187	186	203	235	301	267
<b>REGISTERED.</b>							
Trade Marks ...	3,150	1,455	1,190	1,323	1,389	1,468	1,272
Designs ...	180	166	160	180	211	281	220

The following table shows the revenue of the Trade Mark and Design Office during the years 1911 to 1914 :—

**REVENUE OF TRADE MARK AND DESIGN OFFICE, 1911 to 1914.**

Particulars.	1911.			1912.			1913			1914.		
	Trade Marks.	Designs	Publications	Trade Marks.	Designs	Publications	Trade Marks.	Designs	Publications	Trade Marks.	Designs	Publications.
	£	£	£	£	£	£	£	£	£	£	£	£
Fees collected under State Acts ...	56	...	...	67	...	...	38	...	...	42	...	...
Fees collected under Commonwealth Acts ...	5,018	180	127	5,012	198	98	5,260	293	123	4,610	266	102
Total ...	5,074	180	127	5,079	198	98	5,298	293	123	4,652	266	102

**6. Enemy Patents and Trade Marks.**—On the outbreak of the European war the Commonwealth Government deemed it advisable to extend the powers of the Governor-General of the Commonwealth during the continuance of hostilities with reference to patents, trade marks, and designs, the property of alien enemies.

Acts Nos. 15 and 16 of 1914 were accordingly passed by the Commonwealth Parliament in November, 1914, giving the Governor-General power to make regulations as follows:—

- (a) for avoiding or suspending in whole or in part any patent or license the person entitled to the benefit of which is the subject of any State at war with the King;
- (b) for avoiding or suspending the registration, and all or any rights conferred by the registration, of any trade mark or design the proprietor whereof is a subject as aforesaid;
- (c) for avoiding or suspending any application made by any such person under any of the Acts referred to in this section;
- (d) for enabling the Minister to grant, in favour of persons other than such persons as aforesaid, on such terms and conditions, and either for the whole term of the patent or registration or for such less period, as the Minister thinks fit, licenses to make, use, exercise or vend patented inventions and registered designs so liable to avoidance or suspension as aforesaid; and
- (e) for extending the time within which any act or thing may or is required to be done under any of the Acts referred to in this section.

The regulations prescribed by the Governor-General for giving effect to the provisions of these Acts may be found in the official journals issued by the Commonwealth Commissioner of Patents (see *Australian Official Journal of Patents*, vol. 20, No. 47 *et seq.*)..

To the end of March, 1914, fourteen applications had been made under these Acts to avoid or suspend patents, of which one was granted and two refused, the others being.

withdrawn. Eleven applications were also made to avoid or suspend trade marks, of which four were granted, four refused, and three withdrawn. In addition, four patents were suspended in favour of the Engineer-in-Chief for the Commonwealth Railways and such person or persons as may be licensed by the Minister.

### § 3. Copyright.

1. **Copyright Legislation.**—Prior to the 1st January, 1907, the date on which the Commonwealth Copyright Act of 1905 came into operation, the subject of copyright was regulated by the laws of the separate States. In general, the State Laws were under the like provisions of the Imperial Copyright Law, including the Law of 1842 and the earlier unrepealed or subsequent Acts, the most important of which were the Colonial Copyright Act 1847 and the International Copyright Act of 1886. They were also generally included under British international relations embracing the Berne-Paris provisions of the International Copyright Union and the reciprocal relations with the United States of America, but, with the exception that in the Austria-Hungary Treaty, New South Wales and Tasmania were not parties, because they did not exercise the right of ratification especially reserved to individual colonies.

Though the Commonwealth Copyright Act of 1905 took the place of the State Copyright Acts formerly in force, it left unaffected existing rights under the State Laws, but transferred the administration thereof to the Commonwealth. Provision was also made under the Law of 1905 for the registration of International and State Copyrights. In order to obtain local, as distinguished from British or Imperial, protection, the Act required that a book must have been "printed from type set up in Australia, or plates made therefrom, or from plates or negatives made in Australia in cases where type is not necessarily used," and published in Australia, after the commencement of the Act, before or simultaneously with its first publication elsewhere. The "Common Law of England" was specifically applied to unpublished literary compositions. Artistic works were not protected in Australia under either the Commonwealth Act of 1905 or Imperial Law unless "made in Australia."

Copyright in the case of literary works endured for a period of forty-two years from the date of first publication, or the life of the author or the last surviving joint-author and seven years thereafter, whichever was the longer. If, however, first publication of a book took place after the death of the author the duration of copyright was limited to forty-two years. Performing right and lecturing right subsisted separately for a like period from first public performance or delivery simultaneously with first public performance or delivery elsewhere. But the lecturing right ceased when the lecture was published as a book. Copyright in artistic works subsisted for the term of forty-two years from the date of the making thereof, or for the author's life and seven years, whichever was the longer.

Provision was also made for the assignment of copyright, performing right, and lecturing right, either wholly or in part, and either generally or limited to any particular place or period, and owners of any of the rights specified could grant any interest therein, by license; but such an assignment or grant would not be valid unless it was in writing, signed by the owner of the right.

The Act of 1905 prohibited the importation of all pirated books or artistic works "in which copyright is subsisting in Australia (whether under this Act or otherwise)," and provided for the forfeiture of such works, on condition of written notice of the copyright by the owner of the copyright or his agent to the Minister, directly or through the Commissioners of Customs of the United Kingdom.

Registration of any copyright, performing right, or lecturing right was required as a prerequisite for legal action, but copyright and performing right existed, and in some cases could be enforced, without registration.

2. **The Copyright Act of 1912.**—The Copyright Act of 1905 was repealed by the Copyright Act of 1912, which was assented to and became operative on 20th November, 1912. Subject to modifications relating to procedure and remedies, the Commonwealth Law of 1912 adopted the British Copyright Act of 1911, and declared the latter law to be

in force within the Commonwealth as from the 1st July, 1912. The British Act extends throughout the whole of His Majesty's dominions, but is not to be in force in a self-governing dominion unless enacted by the legislature thereof either in full or with modifications relating exclusively to procedure and remedies necessary to adapt the Act to the circumstances of the dominion.

Under the Commonwealth Law of 1912, copyright subsists in "every original literary, dramatic, musical, and artistic work," first published within parts of His Majesty's dominions to which the British Copyright Act of 1911 extends, and in the case of an unpublished work, the author of which was "at the date of the making of the work," a British subject or a resident domiciled within the aforesaid parts of His Majesty's dominions (or under protection through international copyright provisions). The old Common Law right is abrogated by the Act of 1912, and all copyright property is now the creature of statute from the date when it takes shape, either written in words or in some other material form.

Copyright is defined to mean the sole right to produce or reproduce the work or any substantial part thereof in any material form whatsoever, or any translation thereof, to publish, perform, or deliver the work in public, to dramatise or novelise it, and in the case of a literary, dramatic, or musical work, to make any record, cinematograph film or other contrivance by means of which it may be mechanically performed or delivered, or to authorise any of such acts. Architectural works of art are included as to design, but not as to process or methods of construction.

Copyright in a musical work also includes the sole right to make any record, perforated roll, or other contrivance by means of which the work may be mechanically performed or delivered, and to authorise any of such acts. Conditions governing the making of mechanical contrivances of musical works published before and after the commencement of the British Act are separately prescribed. In the case of a musical work published after the commencement of said Act, if the work has already been mechanically performed with the consent of the owner of the copyright, then anyone can make mechanical contrivances for reproducing it by giving the notice and paying royalties as prescribed. But such contrivances must not alter or omit anything from such work unless similar alterations have been made by the author himself, or they are reasonably necessary for the adaptation of such contrivance. In the case of a musical work published before the commencement of the British Act, certain modifications are prescribed.

The author of a work is the first owner of the copyright therein, except in the case of mechanical contrivances made before the commencement of the Act, or where an engraving, photograph, or portrait is executed on commission, or "where the author was in the employment of some other person under a contract of service or apprenticeship, and the work was done in the course of his employment by that person." Copyright in Government publications vests in the Crown.

The owner may assign the copyright "either wholly or partially, and either generally or subject to limitations to the United Kingdom, or any self-governing dominion or other part of His Majesty's dominions to which the British Copyright Act extends, and either for the whole term of the copyright or for any part thereof, and may grant any interest in the right by license, but no such assignment or grant shall be valid unless it is in writing signed by the owner of the right in respect of which the assignment or grant is made, or by his duly authorised agent." In the case of partial assignment, the original owner and the assignee become respectively the owners of the residual and assigned portions of the copyright. But an assignment, except by will, becomes null and void twenty-five years after the death of the author, when the entire right reverts to his heirs.

Copyright subsists during the life of the author and fifty years after his death, provided that at any time after the expiration of twenty-five years, or in the case of a work subsisting at the date of the passing of the Imperial Copyright Act 1911 (*i.e.*, 16th December, 1911), thirty years after, anyone on giving the requisite notice and paying royalties of 10 per cent. on the published price has the right to publish the work. In

the case of works of joint authorship, copyright subsists during the life of the author who dies first and for a term of fifty years afterwards, or during the life of the author who dies last, whichever period is the longer. In the case of posthumous works, copyright subsists for fifty years from first publication or performance, whichever is the earlier. Photographs are protected for fifty years from the date of the making of the original negative, and records, perforated rolls, etc., for mechanical musical instruments for fifty years from the date of making of the original plates. Copyright in Government publications subsists for a period of fifty years from the date of first publication.

Works in which copyright subsisted immediately before the commencement of the British Act, *i.e.*, 1st July, 1912, shall, as from that date, be entitled to the substituted rights prescribed by the Act, including the extended term. The Act also reserves (in default of compensation by the person entitled to restrain production or performance) to anyone who has before the 26th July, 1910, incurred any expenditure or liability in connexion with a then lawful production or performance of a work, any rights or interests arising therefrom, which were subsisting and valuable.

The Commonwealth Copyright Act of 1912 prohibits the importation of pirated literary, dramatic, musical, and artistic works on conditions similar to those prescribed by the repealed Law of 1905.

The owner of any original literary, dramatic, musical, or artistic copyright under the Commonwealth Law, or of the sole right to perform, or authorise the performance, of any musical or dramatic work in the Commonwealth or any part thereof, may obtain registration of his right, on filing an application in the prescribed form at the Copyright Offices, Commonwealth Offices, Melbourne.

**3. Applications for Copyright.**—The following table gives particulars of copyright applications received and registered under the Commonwealth Acts from 1910 to 1914 inclusive:—

**COPYRIGHT APPLICATIONS RECEIVED AND REGISTERED UNDER COMMONWEALTH ACTS, 1910 to 1914.**

Year.	Copyrights.			
	Literary.	Artistic.	International and State.	Total.
<b>APPLICATIONS RECEIVED.</b>				
1910	464	569	6	1,039
1911	440	466	15	921
1912	463	415	8	886
1913	505	340	...	845
1914	743	219	5	967
<b>APPLICATIONS REGISTERED.</b>				
1910	361	495	12	868
1911	379	412	11	802
1912	401	318	10	729
1913	429	245	...	674
1914	693	184	5	882

The revenue from copyright for the years 1912, 1913 and 1914 was £145, £169, and £239 respectively.

In addition to the applications for copyright received and registered under the Commonwealth Act, applications for registration under State Acts may be registered. No applications, however, were received in 1913 or 1914.

### § 4. Old-age and Invalid 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 reduce this burden 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 for 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, New Zealand, and 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, 1898. 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 thereunder 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 it was provided that it should commence on some subsequent date to be fixed by proclamation. This proclamation was made on the 19th November, 1910, the first payments thereunder being made on the 15th December, 1910.

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. This proclamation was made on the 19th November, 1910, the first payments thereunder being made on the 15th December, 1910. 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 régime 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 rendering impossible 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. Also, if both husband and wife are pensioners (except when they are living apart pursuant to any decree, judgment, order, or deed of separation), the deduction in the case of each of them shall be £1 for every complete £10 by which the net capital value of the accumulated property exceeds £25. From the capital value of accumulated property is deducted the capital value of a home in which the pensioner permanently resides, and all charges and encumbrances existing on the property, other than the home. 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 Old-age Pensions.**—During the first year of practical working of the Commonwealth Act, viz., that ended 30th June, 1910, the number of cases considered was 76,168. Of these 39,875 were cases in which a State old-age pension was exchanged for one payable by the Commonwealth. The remaining 36,293 were new applications received during the year, of which 30,526 were granted, 3921 were rejected, and 1846 were still in course of consideration on 30th June, 1910.

Details of the several States as at 30th June, 1914, are as follows:—

**COMMONWEALTH OLD-AGE PENSIONS, YEAR ENDED 30th JUNE, 1914.**

	N.S.W.	Vic.	Q'land.	S.A.	W.A.	Tas.	C'w'lt'h.
Claims examined during year ending 30th June, 1914 ...	5,192	4,460	1,983	1,419	729	648	14,431
Claims rejected ...	724	203	424	1	61	51	1,464
Claims granted ...	4,468	4,257	1,559	1,418	668	597	12,967
Transfers from other States ...	351	275	85	165	74	57	1,007
Existing 30th June, 1913 ...	30,869	25,434	11,221	7,752	3,484	4,183	82,943
	35,688	29,966	12,865	9,335	4,226	4,837	96,917
To be deducted—							
Deaths ...	2,755	2,285	845	686	227	313	7,111
Cancellations, and transfers to other States ...	768	531	262	253	90	122	2,026
	3,523	2,816	1,107	939	317	435	9,137
Old-age Pensions existing on 30th June, 1914 ...	32,165	27,150	11,758	8,396	3,909	4,402	87,780

11. **Sexes of Old-age Pensioners.**—Of the 87,780 persons in receipt of pensions at 30th June, 1914, 37,346 (or 43 per cent.) were males, and 50,434 (or 57 per cent.) were females. Details for the several States are as follows:—

SEXES OF PENSIONERS, 30th JUNE, 1914.

State.	Males.	Females.	Total.	*Masculinity.
New South Wales ... ..	14,217	17,948	32,165	79.21
Victoria... ..	10,904	16,246	27,150	67.12
Queensland ... ..	5,559	6,199	11,758	89.68
South Australia ... ..	3,232	5,164	8,396	62.59
Western Australia ... ..	1,874	2,035	3,909	92.88
Tasmania ... ..	1,560	2,842	4,402	54.89
Total ... ..	37,346	50,434	87,780	74.05

\* Number of males to each 100 females.

12. Ages and Conjugal Condition of Old-age Pensioners Admitted during 1913-14.

—The recorded ages of the 12,967 persons to whom pensions were granted during the year 1913-14 varied considerably, ranging from 1728 at age 60 to one at age 98. Particulars for quinquennial age groups are as follows:—

AGES AND CONJUGAL CONDITION OF PENSIONERS ADMITTED DURING 1913-14.

Age at Admission.	Males.				Females.				Grand Total.
	Single.	Married.	Widowed	Total.	Single.	Married.	Widowed	Total.	
60-64 ... ..	89	251	73	413	288	1,932	1,878	4,098	4,511
65-69 ... ..	725	1,863	678	3,266	192	779	768	1,679	4,945
70-74 ... ..	230	625	298	1,153	40	347	495	882	2,035
75-79 ... ..	83	262	159	504	18	112	335	465	969
80-84 ... ..	24	70	99	193	8	24	161	193	386
85-89 ... ..	2	18	21	41	...	4	50	54	95
Above 90 ... ..	...	3	9	12	...	...	14	14	26
Total ... ..	1,153	3,092	1,337	5,582	486	3,198	3,701	7,385	12,967

13. Commonwealth Claims for Invalid Pensions.—The situation as at 30th June, 1914, was as follows:—

COMMONWEALTH INVALID PENSIONS.—YEAR ENDED 30th JUNE, 1914.

	N.S.W.	Vic.	Q.	S.A.	W.A.	Tas.	Total C'wealth.
Claims examined during year ending 30th June, 1914 ... ..	2,296	1,799	904	454	340	364	6,157
Claims rejected ... ..	517	272	201	77	84	71	1,222
Claims granted ... ..	1,779	1,527	703	377	256	293	4,935
Transfers from other States ... ..	46	40	12	27	9	8	142
Existing 30th June, 1913 ... ..	5,799	3,918	1,510	956	574	982	13,739
	7,624	5,485	2,225	1,360	839	1,283	18,816
Deduct—							
Deaths ... ..	530	508	146	118	37	102	1,441
Cancellations and Transfers to other States ... ..	186	133	56	63	36	36	510
	716	641	202	181	73	138	1,951
Invalid Pensions existing 30th June, 1914 ... ..	6,908	4,844	2,023	1,179	766	1,145	16,865

14. **Sexes of Invalid Pensioners.**—Of the 16,865 persons in receipt of an invalid pension on 30th June, 1914, 8454 or 50.13 per cent. were males, and 8411 or 49.87 per cent. were females. Details for the several States are as follows:—

**SEXES OF INVALID PENSIONERS, 30th JUNE, 1914.**

State.	Males.	Females.	Total.	*Masculinity.
New South Wales ... ..	3,537	3,371	6,908	104.92
Victoria ... ..	2,310	2,534	4,844	91.16
Queensland ... ..	1,113	910	2,023	122.31
South Australia ... ..	526	653	1,179	80.55
Western Australia ... ..	435	331	766	131.42
Tasmania ... ..	533	612	1,145	87.09
Commonwealth ... ..	8,454	8,411	16,865	100.51

\* Number of males per 100 females.

15. **Ages and Conjugal Condition of Invalid Pensioners Admitted during 1913-14.**—The recorded ages of the 4935 persons who received invalid pensions in the period under review varied from 16 to 85. The following table gives particulars for those up to age 20 and in decennial age groups after age 20:—

**AGE AND CONJUGAL CONDITION OF INVALID PENSIONERS ADMITTED IN 1913-14.**

Age at Admission.	Males.				Females.				Grand Total.
	Single.	Married.	Widowed	Total.	Single.	Married.	Widowed	Total.	
16-19 ... ..	147	...	...	147	118	...	...	118	265
20-29 ... ..	216	33	...	249	263	13	6	282	531
30-39 ... ..	154	171	5	330	186	43	27	256	586
40-49 ... ..	158	262	18	438	189	117	111	417	855
50-59 ... ..	244	447	107	798	191	348	486	1,025	1,823
60-69 ... ..	168	353	113	634	18	39	82	139	773
70-79 ... ..	17	21	12	50	6	7	29	42	92
80 and over ... ..	4	1	1	6	1	...	3	4	10
<b>Total ...</b>	<b>1,108</b>	<b>1,288</b>	<b>256</b>	<b>2,652</b>	<b>972</b>	<b>567</b>	<b>744</b>	<b>2,283</b>	<b>4,935</b>

16. **Cost of Administration.**—Under the State régime the cost of administration differed considerably in the several States, and for 1908-9 represented in New South Wales 4.17 per cent. of the amount actually paid in pensions. In Victoria for the same year the corresponding percentage was 0.70. During the year 1913-14 the total cost to the Commonwealth of administering the Old-age and Invalid Pensions Department was £46,946, or about 1.8 per cent. of the amount actually paid in pensions. Details concerning the cost of administration for 1913-14 are as follows:—

Salaries ... ..	£	14,964
Temporary assistance ... ..	1,526	
Services of magistrates, registrars, clerks of courts, and police ... ..	4,848	
Commission to Postmaster-General's Dept., at 12s. 6d. per £100 paid ... ..	15,985	
Postage and telegrams ... ..	2,050	
Other expenses ... ..	7,573	
<b>Total ...</b>	<b>£46,946</b>	

The actual sum disbursed in Old-age and Invalid Pensions in the financial year 1913-14, apart from the cost of administration, was approximately £2,579,265.

17. **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.)

The following table gives detailed statistical information concerning the working of the Act since 1st July, 1909:—

#### INVALID AND OLD-AGE PENSIONS SUMMARY.

Financial Year ended 30th June.	Number of Pensioners.			Amount Paid in Pensions.	Amount Paid to Asylums for Maintenance of Pensioners.	Total Payment to Pensioners and Asylums.	Cost of Administration.	Cost of Administration per £100 paid to Pensioners and Asylums.	Average Fortnightly Pension on last day of Financial Year	
	Old-Age.	Invalid.	Total.						£ s. d.	s. d.
1910	65,492	...	65,492	1,497,330	155	1,497,485	37,146	2 9 7 %	19 1	
1911	75,502	7,451	82,953	1,868,648	2,592	1,871,240	39,244	2 1 11 %	19 1	
1912	79,071	10,763	89,834	2,148,034	7,447	2,155,481	41,794	1 18 9 %	19 0	
1913	82,943	13,739	96,682	2,289,048	13,287	2,302,335	44,523	1 18 8 %	19 6	
1914	87,780	16,865	104,645	2,579,265	14,236	2,593,501	46,946	1 16 3 %	19 5	

#### § 5. Maternity Allowance.

The Federal Parliament, during the session of 1912, passed an Act (assented to on 10th October, 1912) providing under certain circumstances for the payment of maternity allowances. The scope and main provisions of the Act will be gathered from the following sections and sub-sections, given in full:—

4. "Subject to this Act, there shall be payable out of the Consolidated Revenue Fund, which is hereby appropriated accordingly, a maternity allowance of Five pounds to every woman who, after the commencement of this Act, gives birth to a child, either in Australia or on board a ship proceeding from one port in the Commonwealth or a Territory of the Commonwealth to another port in the Commonwealth or a Territory of the Commonwealth."
5. (1) "A maternity allowance shall be payable in respect of each occasion on which a birth occurs, and the child is born alive, or is a viable child, but only one allowance shall be payable in cases where more than one child is born at one birth."
6. (1) "The maternity allowance shall be payable only to women who are inhabitants of the Commonwealth or who intend to settle therein."
- (2) "Women who are Asiatics or are aboriginal natives of Australia, Papua, or the islands of the Pacific, shall not be paid a maternity allowance."

The following table gives particulars of the working of the Act from 10th October, 1912, when it came into operation, up to 30th June, 1914:—

**STATEMENT SHEWING PARTICULARS OF CLAIMS WITH REGARD TO THE  
MATERNITY ALLOWANCE OF £5 FROM 10th OCTOBER, 1912,  
TO 30th JUNE, 1914.**

Period.	N.S.W.	Vic.	Q.	S.A.	W.A.	Tas.	C'wlth.
<b>NUMBER OF CLAIMS PASSED.</b>							
10th October, 1912, to 30th June, 1913 ...	31,045	22,796	12,130	7,589	5,385	3,611	82,556
30th June, 1913, to 30th June, 1914 ...	51,239	36,060	19,710	12,766	9,190	6,033	134,998
Total ... ..	82,284	58,856	31,840	20,355	14,575	9,644	217,554
<b>NUMBER OF CLAIMS REJECTED.</b>							
10th October, 1912, to 30th June, 1913 ...	291	114	74	52	59	29	619
30th June, 1913, to 30th June, 1914 ...	301	148	101	69	57	33	709
Total ... ..	592	262	175	121	116	62	1,328
<b>NUMBER OF CLAIMS UNDER CONSIDERATION.</b>							
30th June, 1913 ...	558	483	188	118	236	46	1,629
30th June, 1914 ...	628	381	143	84	117	24	1,377
<b>TOTAL NUMBER OF CLAIMS RECEIVED.</b>							
10th October, 1912, to 30th June, 1913 ...	31,894	23,393	12,392	7,759	5,680	3,686	84,804
30th June, 1913, to 30th June, 1914 ...	51,610	36,106	19,766	12,801	9,128	6,044	135,455
Total ... ..	83,504	59,499	32,158	20,560	14,808	9,730	220,259
<b>AMOUNT PAID.</b>							
10th October, 1912, to 30th June, 1913 ...	£ 155,225	£ 113,980	£ 60,650	£ 37,945	£ 26,925	£ 18,055	£ 412,780
30th June, 1913, to 30th June, 1914 ...	256,195	180,300	98,550	63,830	45,950	30,165	674,990
Total ... ..	411,420	294,280	159,200	101,775	72,875	48,220	1,087,770

The cost of administration for the period from 30th June, 1913, to 30th June, 1914, was £10,281, and the amount disbursed in claims for the same period was £674,990.

### § 6. Local Option.

1. **General.**—The principles of local option as to the sale of fermented and spirituous liquors have been applied in all the States of the Commonwealth. The last State to adopt these principles was Western Australia, where provision was made for a system of local option by the Licensing Act 1911.

2. **New South Wales.**—The Act in force relating to local option in this State is the Liquor Act 1912, which consolidates the laws relating to publicans, brewers and other persons engaged in the brewing, manufacture or sale of liquor. The local option vote is taken in every electorate on the day fixed for the poll therein at each general election. The option with regard to licenses extends to public-houses, wineshops, and clubs, and the persons entitled to vote are those entered on the Parliamentary electoral rolls. The first local option vote under the Liquor (Amendment) Act of 1905 was taken at the general election in 1907, and the second at the election in 1910, while the vote in 1913 was taken under the Liquor Act 1912. In 1907, when the first local option vote was taken, there were 3023 hotels in existence; of this number 293 were ordered to be closed at varying dates. At the election of 1910 there were 2869 hotels, and of these, 28 were ordered to be closed. At the 1913 election there were 2719 hotels, of which 23 will be closed in accordance with the local option vote. The number of wine licenses at the time of the vote of 1907 was 633, of which 46 were abolished. In 1910, 5 out of 565 were closed, and in 1913, 7 out of 514 were ordered to be closed. The resolutions to be submitted, and the effects of such resolutions, if carried, are given *in extenso* in previous issues of this book. 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, 1910, and 1913.

Particulars.	General Election, 1907.		General Election, 1910.		General Election, 1913.	
	Electorates.	Votes.	Electorates.	Votes.	Electorates.	Votes.
<i>Results in favour of—</i>						
(a) Continuance ...	25	209,384	76	324,973	74	380,707
(b) Reduction ...	65	75,706	14	38,856	15	44,453
(c) No license ...	Nil	178,580	Nil	212,889	Nil	245,202

3. **Victoria.**—The Acts dealing with the subject of local option as to the sale of fermented and spirituous liquors, and with the compulsory closing of hotels 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 has been 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 Board was first 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, £49,300 for 1909, £48,875 for 1910, £51,716 for 1911, £55,275 for 1912, £58,947 for 1913, and £60,138 for 1914. 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 amount so lost up to the end of the year 1914 was £13,435, of which sum £3239 was remitted, and £10,196 apportioned among 1855 hotels in proportion to the benefit which, in the opinion of the Board, they will derive from the closing. By an amendment to the Act in 1912, the Board has been given discretion in certain circumstances to allot less than the amount 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, 1914, 803 hotels had been closed by the Board, 214 of this number having surrendered their licenses. In all cases compensation, where claimed, was awarded, the total paid amounting to £395,025, or an average of £494 each. 212 of these hotels were situated in the metropolitan district, while the remaining 591 were in country districts. In three owners' cases and 166 licensees' cases no claims for compensation were made. The following table shews particulars of the operations of the Board up to the 31st December, 1914.

#### VICTORIA.—OPERATIONS OF LICENSES REDUCTION BOARD, 31st DECEMBER, 1914.

Particulars.	Licenses in December, 1906.			Hotels Deprived of Licenses	Compensation Awarded.		Hotels Surrendered.	Compensation Awarded.	
	Number in Existence.	Statutory Number.	* Number in Excess.		Owner.	Licensee.		Owner.	Licensee.
Metropolitan & Suburban	1,020	877	401	201	£ 152,824	£ 29,223	11	£ 5,523	£ 1,149
Country ...	2,440	1,622	976	388	139,420	21,213	203†	41,232	4,441
Total ...	3,460	2,499	1,377	589	292,244	50,436	214	46,755	5,590

\* 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. † Four of these hotels have not yet been awarded compensation.

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. The statutory number varies yearly with the change of the population. The number of hotels below the statutory number in the districts referred to for the year 1914 was 1008.

Where a deprivation sitting is held before 30th June the Acts specify that a deprived license expiring on or before the 31st December following shall not be renewed. Where the sitting takes place after 30th June the license may be renewed for a period making in all six months from the first day of such sitting. To avoid difficulties on this score the Board holds its deprivation sittings in the first half of the year and its compensation and re-allotment sittings in the second half. Surrenders take effect on the date fixed by the Board at the time of acceptance.

In addition to those scheduled above, the Board, up to the 31st May, 1915, had deprived 73 hotels of their licenses, of which 1 was surrendered, making a grand total of 876.

In previous issues reference has been made to the methods of procedure to be followed on the coming into force of the system of local option on 1st January, 1917.

4. **Queensland.**—The local option clauses of "The Liquor Acts of 1912-1914" provide for the following:—

- (i.) The conditions under which new licenses may be granted until the completion of the business of the Licensing Court in April, 1916.
- (ii.) The continuance of the local option clauses of "The Licensing Act of 1885" until the 31st December, 1916.
- (iii.) The institution of a new scheme, under which electors from and after the year 1917 will have the opportunity of voting every three years on the question of reduction of licenses.

(i.) *New Licenses.* With regard to the granting of "new licenses" from the 1st April, 1913, and until the completion of the business of the Licensing Court in April, 1916, it is provided that no new licensed victualler's or wine seller's or provisional licenses shall be granted, unless at a local option vote of the electors of the local option area in which the premises or proposed premises are situated, a resolution "that new licenses shall be granted in this local option area" has been carried.

If the resolution is carried, the Court may, but need not, grant applications; but if the resolution is not carried, the Court shall not grant any application during the said years in the said local option areas.

The Acts of 1912 and 1914 provided that a local option vote following on an application for a license might be taken in any of the years 1913, 1914, 1915, and 1916 in a local option area, but having been taken once should not be taken again during those years in the same local option area. During 1913 a vote was taken in 10 districts on the resolution "that new licenses be granted." In five of these, the resolution was carried, the other five districts declaring against any increase in the number of licenses. In 1914, 16 districts voted on the same resolution, in 11 of which it was carried.

(ii.) *Continuance of Present System until 1917.* With the exception of the third resolution, viz., "that no new licenses be granted," the local option provisions of "The Licensing Act of 1885" remain in full force and effect until the 31st December, 1916, with certain modifications and additions. These will be found fully described in previous issues of the Year Book (see No. 6, p. 1177).

(iii.) *General Local Option.* The first vote may be taken in the year 1917, either on the same day as the election of senators takes place, or if no senate election is held in 1917 before the 30th September, then on a day to be appointed by the Governor-in-Council, and the vote will be by ballot.

The vote will be taken on the request of one-tenth of the number of electors in an area, which is defined in the request, and such area may be:—(a) an electoral district, (b) an electoral division of an electoral district, or, (c) a group of two or more divisions of an electoral district, provided that the whole of such local option area is wholly comprised within one and the same electoral district.

There must be a separate request for each resolution on which a vote is required to be taken.

The resolutions on which a vote may be taken are:—(a) reduction by one-fourth of the existing number, (b) further reduction by one-fourth of the existing number, (c) further reduction by one-fourth of the existing number, (d) prohibition, and (e) new licenses.

In previous issues of the Year Book (see No. 6, p. 1178) will be found fuller reference to the effect of the carrying of any of these resolutions.

5. **South Australia.**—In this State the subject of local option is now regulated by Part V. of the Licensing Act 1908.

Under this Act, 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 resolutions to be submitted under the Act, together with the effects such resolutions would have, are set out in detail in previous issues of the Year Book (see No. 6, p. 1179).

*Local Option Polls.* 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. A resolution that the number of licenses be reduced, was carried in only one district, Wallaroo; in the remaining 23 districts a resolution that the number of licenses be not increased or reduced, was carried. At the *General Election of the House of Assembly held on the 10th February, 1912*, no local option polls were held in any local option district. At the general election to be held on the 27th March, 1915, a local option poll will be taken in the local option district of Flinders Southern. (See Appendix, Section XXV., *General Government*.)

6. **Western Australia.**—The law relating to local option in Western Australia is contained in Part V. (sections 75 to 86) of the Licensing Act 1911, which was assented to on 16th February, 1911, and came into force on the 7th April following. Prior to the passing of this Act there was no provision for any system of local option in Western Australia.

The resolutions to be submitted under the above-mentioned Act and the effect such resolutions would have, are given in detail in previous issues of the Year Book (see No. 6, p. 1180).

The first vote under the Act of 1911 was taken on 26th April, 1911, the main question being confined (as prescribed by the Act when the vote is taken prior to 1920) to a resolution "that the number of licenses be increased," the only other questions submitted being those of State control of new publicans' general licenses and State management throughout all licensing districts.

The following table shows the result of this local option poll:—

**WESTERN AUSTRALIA.—RETURN SHEWING THE RESULT OF LOCAL OPTION POLL OF 26th APRIL, 1911.**

Result of Local Option Poll.		Do you vote that all new Publicans' General Licenses be held by the State.		Are you in favor of State Management throughout all Licensing Districts.	
Votes given in favor of the number of Licenses in the various districts being increased.	Votes given in favor of the number of Licenses in the various districts not being increased.	Yes.	No.	Yes.	No.
4,554	17,623	27,007	14,387	26,631	14,944

Under the 1911 Act a second poll was due on 26th April, 1914, but an amending Act was passed in December, 1913, continuing the present conditions until April, 1915. Subsequently, by an amending Act of 1915, the present conditions were further continued until 1918.

7. **Tasmania.**—In this State the subject of local option is dealt with in Part VI. (sections 72 to 84) of the Licensing Act 1902, as subsequently amended by section 8 of the Licensing Act 1908, which later Act, however, does not come into full operation until the first of January, 1917. Other Acts which formerly dealt with the subject, but are now repealed, are the Licensing Acts 1889-1890, the Inn Keepers Relief Act 1894, and the Licensing Act Amendment Act 1898. Under the Act of 1902, opposition to the grant of a license may be made (i.) by any resident ratepayer, (ii.) by petition of rate-payers resident in the neighbourhood, or (iii.) by local option poll.

PREFERENTIAL VOTING.—VALUATION OF COMMONWEALTH PRODUCTION. 1079

The conditions under which applications may be made to the Licensing Bench, opposing the granting of licenses, are set out in detail in previous issues of the Year Book. (See No. 6, p. 1181.)

*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 or 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.

§ 7. Preferential Voting.

In previous issues of the Year Book, a description in detail has been given of the systems of preferential voting now in force in the States of Victoria, Queensland, Western Australia and Tasmania. It is not intended to repeat the description in the present issue.

§ 8. 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 connection with the value of production from the agricultural and pastoral industries, which, it is believed, in the main give fairly accurate results. In the case of manufactories, prior to 1909, five of the States 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. The returns given in the following table are fuller and more approximate than those which have been given previously, and the returns collected in 1909 and subsequent years, however, may be taken as substantially correct. The table hereunder shews the approximate value of the production from all industries during the years 1907 to 1913 :—

ESTIMATED VALUE OF PRODUCTION FROM INDUSTRIES, 1907 to 1913.

Year.	Agriculture.	Pastoral.	Dairy, Poultry, & Bee-farming.	Forestry and Fisheries.	Mining.	Manufacturing.*	Total.
1907 ... ..	£1000 30,500	£1000. 50,660	£1000. 15,584	£1000. 4,826	£1000. 28,301	£1000. 36,155	£1000. 166,026
1908 ... ..	37,150	47,259	15,045	4,286	24,580	36,637	164,957
1909 ... ..	41,056	50,864	15,064	4,462	23,039	39,713	174,198
1910 ... ..	39,752	56,993	17,387	4,789	23,215	45,598	187,734
1911 ... ..	38,774	50,725	19,107	5,728	23,480	50,767	188,581
1912 ... ..	45,754	51,615	20,280	6,432	25,629	57,022	206,732
1913 ... ..	46,260	57,866	20,341	6,338	25,808	61,586	218,199

\* 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.

The total production from all industries during 1913 was £218,199,000, equal to an average of £45 8s. 6d. per inhabitant.

In Year Books Nos. 1 to 5 will be found the value of production in each State at decennial intervals since 1871, and for the year 1909. Details for individual States are not available for subsequent years owing to discontinuance by the Customs Department of the collection of statistics of interstate trade.

## § 9. Norfolk Island.

**1. Area, Location, etc.**—Norfolk Island, discovered by Captain Cook in 1774, is situated in latitude  $29^{\circ} 3' 45''$  south, longitude  $167^{\circ} 58' 6''$  east. Its total area is 8528 acres, the island being about 5 miles long and 3 miles wide. From Sydney it is distant 980 miles, and from New Zealand 400 miles. The coast line is 20 miles, and its form that of an irregular ellipse. Except on the south-west, inaccessible cliffs rise from the water's edge. The climate is equable, and the average annual rainfall 43 inches.

**2. Settlement.**—The first colonisation, in 1788, was by Lieutenant King, who in H.M.S. *Sirius* established a small penal station as a branch settlement of that at Port Jackson. The settlement was abandoned in 1806, and thence for 20 years its chief use was as a whaling station and place of call for British warships.

From 1826 to 1855 it was again made a penal station. In 1844 it was annexed to Van Diemen's Land (Tasmania).

The descendants of the *Bounty* mutineers having become too numerous to subsist on Pitcairn Island were removed thence to Norfolk Island in 1856. The new community numbered 193, 94 males and 99 females, and were the descendants of British sailors and Tahitian women.

In 1856 the island was severed from Tasmania, and created a distinct and separate settlement under the jurisdiction of New South Wales. In 1897 it was made a dependency under the Governor of that Colony, and was administered by the Chief Secretary's Department through a resident Chief Magistrate, in whom was vested the executive government of the settlement, and the penal supervision of its affairs. In 1913, however, a Bill was passed by the Federal Parliament providing for the taking over of the Island as a territory of the Commonwealth. The Act came into force on 1st July, 1914, and the Island is now administered by the Department of External Affairs, through an Administrator and Chief Magistrate.

**3. Population and Live Stock.**—The population on 31st December, 1914, was 408 males, 380 females, total 788. Of these, 91 males and 10 females were Melanesians being trained at the mission station. The latest returns of live stock shew that there are in the island 1420 cattle, 554 horses, 885 sheep, and 102 pigs.

**4. Production, Trade, etc.**—In 1914 the imports were valued at £11,450, of which £10,716 was imported from New South Wales, and the balance from New Zealand. The exports were valued at £1599, the chief items being fruit, £255; seeds, £232; lemon juice, £276; and hides, £158. Nearly all the export trade was with the Commonwealth, only small amounts going to New Zealand and the South Sea Islands. There is little other production. A monthly steam service is maintained with Sydney; other communication is irregular. The "all red" cable from Great Britain *via* Vancouver, Fanning Island and Fiji, bifurcates at Norfolk Island, one line connecting with New Zealand, the other with Brisbane.

**5. Social Condition.**—Education is free and compulsory, and there is a public school under the N.S.W. Department of Public Instruction, and with standards corresponding to the State public schools. The number of scholars enrolled is 137 (71 boys and 66 girls). A mission station has for many years been in existence for the education and general training of Melanesians, mostly from the Santa Cruz and Solomon Islands.

The magistrate's court has criminal jurisdiction in all crimes except capital offences, civil jurisdiction in all matters, and authority to grant probate and letters of administration.

### § 10. Lord Howe Island.

1. **Area, Location, etc.**—Between Norfolk Island and the Australian coast is Lord Howe Island in latitude 31° 30' south; longitude 159° 5' east. It was discovered in 1788. The total area is 3220 acres, the island being seven miles in length and from one-half to one and three-quarter miles in width. It is distant 436 miles from Sydney. The flora is varied and the vegetation luxuriant, with shady forests, principally of palms and banyans. The highest point is Mount Gower, 2840 feet. The climate is mild and the rainfall abundant.

2. **Settlement.**—The first settlement was by a small Maori party in 1853; afterwards a colony was settled from Sydney. Constitutionally, it is a dependency of New South Wales, and is supervised by a visiting magistrate.

3. **Population.** The population at the Census of 3rd April, 1911, was 56 males, 49 females, total 105.

4. **Production, Trade, etc.**—The principal product is the seed of the native or *Kentia* palms. A monthly steamship service is maintained with Sydney. The lands belong to the Crown. The occupants pay no rent, and are tenants on sufferance.

### § 11. Interstate Conferences.

1. **Interstate Conferences, 1914.**—In Year Book No. 7, pages 1055 to 1062, will be found an account of the following conferences:—

- (1) Premiers' Conference, held in Melbourne, March, 1914.
- 2) Murray River Waters Conference, held in Melbourne, March, 1914.
- (3) Treasurers' Conference, held in Melbourne, May, 1914.

In the present edition the Murray Water conference is referred to fully in the section dealing with Water Conservation (page 507).

2. **Premiers' Conference, 1915.**—On the 5th of May, 1915, and following days, a conference of Premiers was held in Sydney. The Prime Minister of the Commonwealth attended by invitation, in order to confer with the Premiers on matters of joint interest to Commonwealth and States. The following are the more important resolutions adopted:—

(i.) *Strategic Railways.* Resolved: That this Conference, recognising the importance of strategic railways, and being anxious to assist the Commonwealth in this connection, but recognising also the importance of avoiding unprofitable and unnecessary multiplications of new lines, is of opinion that the best interests of all will be conserved by an immediate conference between the military advisers of the Commonwealth and the Railway Commissioners of the States directly affected on the question of route; such conference to report to the Commonwealth Government and the Governments of the six States.

(ii.) *Uniform Railway Gauge.* Resolved: That, in the opinion of this Conference, a commission of two leading railway experts, preferably from outside the Commonwealth, should be forthwith appointed by the Government of the mainland States to consider, report, and advise upon the question of unifying the gauge of Australian railways, particularly as to—

- (a) The need for a uniform gauge ;
- (b) The most suitable gauge in the circumstances of existing and probable future development in Australia ;
- (c) The best method of carrying out the unification of gauge deemed advisable ;
- (d) What benefits will result (1) to the Commonwealth ; and (2) to each of the States ;
- (e) The probable cost of such unification.

The expenses of this commission to be borne by the States upon a population basis.

(iii.) *Uniform Federal and State Rolls.* Resolved : That steps be taken to secure electoral roll uniformity between Commonwealth and State.

(iv.) *Old-age and Invalid Pensions.* Resolved : That a more liberal interpretation of the ruling relating to the admission of pensioners to benevolent asylums and payment for their maintenance in institutions be accepted by the Pensions Department, and that when application for admission is made a decision be arrived at without the application having to stand over for three months for consideration, also that full pension rates should be paid to institutions on account of pensioners received within them, either temporarily or permanently.

(v.) *Uniform Food and Drug Standards.* Resolved : That in the opinion of this Conference it is desirable to bring into uniformity as far as practicable the clauses of the various States' Pure Food Acts dealing with the question of guarantee of goods, so as to secure ample protection to the public, and to prevent the use for advertising purposes of any words indicating the existence of a guarantee, and that the Attorney-General of Queensland be requested to prepare a Bill giving effect to the above resolution, for circulation among the States.

(vi.) *Lands Acquisition Bill before Federal Parliament.* Resolved : That it be referred to the States Attorneys-General to draft a clause to the effect that the Commonwealth will obtain the consent of the State Governments prior to any acquisition being made.

(vii.) *Uniform Light and Harbour Dues.* Resolved : That steps be taken to adjust the harbour dues in the various States so that, as far as possible, shipping shall not be diverted from one State to another in consequence of differential charges.

(viii.) *National Insurance against Unemployment.* Resolved : That in the opinion of this Conference it is desirable to introduce a scheme of national insurance on the lines of the British National Insurance Act, and legislation on this subject should be uniform amongst the States ; the Attorney-General of Queensland to prepare a Bill for submission to the Attorney-General of each State with a view to its early enactment by each of the States.

(ix.) *Metallurgical Industries.* Resolved : That this Conference, recognising the great importance to Australia of the treatment of refractory ores and the manufacture of goods and materials from the products thereof, is of opinion that a joint inquiry should be conducted by the States, if possible with the co-operation of the Federal Government, as to any method by which such industries may be established.

## § 12. Interstate Commission.

In accordance with the provisions of the Commonwealth Constitution Act (sections 101 to 104, see page 33) an Act providing for the appointment of the commission was assented to on the 24th December, 1912. The personnel of the commission was, however, not decided until the 11th August, 1913, when Messrs. A. B. Piddington (as Chief Commissioner), G. Swinburne, and N. Lockyer, were appointed. On the 8th

September, 1913, a request was received from the Executive Government of the Commonwealth that the commission should investigate and report as soon as practicable upon the following matters :—

- (a) Any industries now in urgent need of tariff assistance ;
- (b) Anomalies in the existing tariff Acts which are either technical in character or are due to or arise from the incidence of the taxation ;
- (c) The lessening, where consistent with the general policy of the tariff Acts of the cost of the ordinary necessities of life, without injury to the workers engaged in any useful industry.

In accordance with the Government's suggestions, investigations were made by the Commissioners, and a Tariff Investigation Report was presented by them on the 22nd April, 1915. The matters dealt with in the report comprise :—Progress of manufacturing industries ; comparison of the value of output of manufacturing industries with the value of imports ; conflicting interests of different industries ; profits to manufacturers ; salaries and wages ; local prejudice against the use of Australian goods ; complaints of lessening efficiency of workers ; the future of Australian manufacturing industries in the relation to employment ; large-scale industry ; duties on raw materials ; interstate freights ; prohibiting duties ; export duties ; mode of stating the *ad valorem* rates of duty chargeable.