

COMMONWEALTH ARRANGEMENTS ACT 1928.

An Act to consolidate the Law providing for certain matters in Victoria in connexion with the Commonwealth.^(a) 19 GEORGE V.
No. 3658.

[12th February, 1929.]

BE it enacted by the King's Most Excellent Majesty by and with the advice and consent of the Legislative Council and the Legislative Assembly of Victoria in this present Parliament assembled and by the authority of the same as follows (that is to say):—

1. This Act may be cited as the *Commonwealth Arrangements Act 1928*, and is divided into Parts as follows:—

PART I.—General ss. 3–6;

PART II.—Taxation of Salaries of State Officers ss. 7–9;

PART III.—Air Navigation ss. 10 and 11;

and as to Parts I. and II. shall come into operation on a day to be fixed by proclamation of the Governor in Council published in the *Government Gazette*.

2. The Acts mentioned in the Schedule to this Act to the extent thereby expressed to be repealed are hereby repealed. Such repeal shall not affect any right acquired or any liability incurred or any matter or thing done under the said repealed Acts or any of them.

PART I.—GENERAL.

3. Subject to such terms and conditions as may be deemed expedient and notwithstanding anything contained in any Act it shall be lawful for the Governor in Council from time to time by agreement with the Governor-General or otherwise to make arrangements—

(a) for the use and occupation of the Government House St. Kilda-road Melbourne by the Governor-General; Government House;
or

(a) See also the *Federal Aid Roads Act 1926*, No. 3481, and the *Commonwealth and States Financial Agreement Act 1927*, No. 3554.

*Commonwealth
Arrangements
Act 1900.
Public
buildings.*

- (b) for the use and occupation by officers of the Commonwealth and the public for the purpose of transacting Commonwealth business of any part of any public building not used exclusively in connexion with any department of the public service transferred to the Commonwealth.

The Governor in Council may make such orders and give such directions as may be necessary or desirable for the purpose of carrying out or giving effect to all or any arrangements made as aforesaid.

*Temporary
assistance by
public service.
Ib. s. 3.*

4. Notwithstanding anything contained in any Act, it shall be lawful for any officer of the public service of Victoria (other than a responsible Minister of the Crown) with the consent of the Governor in Council to temporarily act in any office or capacity in which he may be required to act for or on behalf of the Federal Government in addition to carrying out or executing his duties as an officer of the public service of Victoria.

*Service in
Commonwealth
not to
disqualify for
Victorian
service.
Ib. s. 4.*

5. The fact that any person is an officer of the Commonwealth shall not disqualify him from also executing the duties of any office in the public service of Victoria.

*Arrangement re
performance of
Common-
wealth duties
by officer not
transferred.
Ib. s. 5.*

6. Where an officer of the public service of Victoria who is not transferred to the public service of the Commonwealth performs some duties for a department which is transferred to the Commonwealth it shall be lawful for the Governor in Council by agreement with the Governor-General or otherwise to make arrangements for determining—

- (a) the rate of payment to be made by the Government of the Commonwealth for the services performed for the Commonwealth by such officer; and
- (b) any matters which may require to be adjusted with regard to the performance of such duties by such officer.

PART II.—TAXATION OF SALARIES OF STATE OFFICERS.

*Interpretation.
“Officers of the
State of
Victoria.”
State Salaries
(Commonwealth
Taxation) Act
1915 s. 2.*

7. In this Part unless inconsistent with the context or subject-matter “Officers of the State of Victoria” includes all persons in any office or employment under the Crown or the Government of Victoria (including the public service the railway service the police force the State Rivers and Water Supply Department the Lunacy Department service or employment in any office of Parliament and service or employment under the *Country Roads Act 1928*) or in any office or employment for which payment is provided out of the Consolidated Revenue.

8. The taxation by the Commonwealth in common with other salaries earned within the Commonwealth of---

State Salaries (Commonwealth Provision) Act 1915 s. 3.

(a) the official salaries of officers of the State of Victoria residing in the said State ; and

Taxation by Commonwealth of salaries of State officers and reimbursements &c. of Members of Parliament &c. Comp. Comm. Act No. 7 of 1907 s. 2.

(b) the salaries of and reimbursements of expenses to responsible Ministers of the Crown the President and the Chairman of Committees of the Legislative Council the Speaker and the Chairman of Committees of the Legislative Assembly and Members of either House of Parliament who receive from the Consolidated Revenue any salary or reimbursement of expenses,

shall not, if the taxation is not at a higher rate or to a greater extent than is imposed on other salaries of the same amount earned within the Commonwealth, be deemed to be an interference with the exercise of any power of the State.

9. This Act shall not apply to the salary of the Governor.

Salary of Governor. Id. s. 4.

PART III.—AIR NAVIGATION.

10. Whereas it is enacted by the Constitution of the Commonwealth of Australia that the Parliament of the Commonwealth shall subject to the Constitution have power to make laws for the peace order and good government of the Commonwealth with respect to matters referred to the Parliament of the Commonwealth by the Parliament or Parliaments of any State or States but so that the law shall extend only to States by whose Parliaments the matter is referred or which afterwards adopt the law : And whereas a Convention (in this Act referred to as "the Convention") for determining by a common agreement certain uniform rules with respect to international air navigation was signed on behalf of His Majesty in Paris on the thirteenth day of October One thousand nine hundred and nineteen : And whereas it is expedient that provision should be made by the Parliament of the Commonwealth of Australia for any matter necessary or proper for performing the obligations of the Commonwealth towards the other contracting parties arising under the Convention (including every Annex thereto) or arising under any modification or amendment of the Convention which may be made under Article thirty-four thereof and for intercourse by aerial navigation between the State of Victoria and any other country or any State of the Commonwealth : And whereas at a conference of the Premiers of the States held in May One thousand nine hundred and twenty it was resolved that it was desirable that each of the Parliaments of the States should refer to the Parliament of the Commonwealth the matter of the control of air navigation subject to the retention by each of the States of certain rights and powers specified in the resolution : And whereas in order to facilitate the carrying out of the objects of the said

Preamble. Commonwealth Powers (Air Navigation) Act 1920.

Commonwealth Powers (Air Navigation) Act 1920 s. 3.
Matters referred to the Parliament of the Commonwealth.

resolution it is expedient to provide that the matters hereinafter specified should be referred to the Parliament of the Commonwealth it is hereby enacted that the following matters are on the coming into operation of this Part referred to the Parliament of the Commonwealth (that is to say) :—

- (a) Any matter necessary or proper for performing the obligations of the Commonwealth towards the other contracting parties arising under the International Convention for the regulation of Aerial Navigation signed at Paris on the thirteenth day of October One thousand nine hundred and nineteen (including every Annex thereto) or arising under any modification or amendment of the Convention which may be made under Article thirty-four thereof ; and
- (b) Intercourse by aerial navigation between the State of Victoria and any other country or any State of the Commonwealth.

Commencement of Part.

11. This Part shall come into operation on a day to be proclaimed by the Governor in Council by proclamation published in the *Government Gazette*.

SCHEDULE.

Number of Act.	Title of Act.	Extent of Repeal.
1672	<i>Commonwealth Arrangements Act 1900</i> ..	The whole.
2909	<i>State Salaries (Commonwealth Taxation) Act 1915</i>	The whole.
3108	<i>Commonwealth Powers (Air Navigation) Act 1920</i>	The whole.