

## COMMONWEALTH DIGEST

This Digest is intended to provide lawyers with a key to those questions and Ministerial Statements in the Commonwealth Parliament in which they are most likely to be interested, and it is, of course, selective. It covers the period 12 March to 28 November 1968, and is compiled from the published debates of the Parliament of the Commonwealth of Australia.

The page references to Parliamentary Debates ("S.Deб." and "H.R. Deb.") are to the published debates of the Senate and the House of Representatives, for the second Session of the Twenty-sixth Parliament, first and second periods.

### **Administrative Appeals**

On 8 November, the Attorney-General, in answer to a question upon notice, gave information about the committee under the chairmanship of Mr Justice Kerr to consider the means of appealing from administrative decisions. H.R. Deb. 2682.

### **Censorship**

On 26 March, the Minister for Customs and Excise, in answer to a question without notice, stated that members of the Commonwealth Literature Censorship Board are chosen according to their qualifications and not according to the State in which they reside. S. Deb. II 281.

### **Civil Aviation**

On 27 August, the Acting Minister for Civil Aviation, in reply to a question upon notice, gave information of further State activity as regards legislation complementary to the Crimes (Aircraft) Act 1963 (Cth) and uniform laws to cover surface damage caused by aircraft. H.R. Deb. 606.

### **Committee of Attorneys-General**

On 10 October, the Attorney-General, in answer to a question upon notice, gave details of matters considered at recent meetings of the committee and of progress made towards securing uniform laws on various matters, including invasion of privacy, artificial rain making, evidence, sale of goods and consumer protection. H.R. Deb. 1902.

### **Commonwealth Employees Compensation**

On 6 June, the Treasurer made a Ministerial Statement outlining proposed major changes to be made to the Commonwealth Employees Compensation Act.<sup>1</sup> These included allowances for student children up to the age of twenty-one, extension of the class of persons eligible for benefits, removal of the distinction maintained between left and right upper limbs and provision for appeal from the decisions of the Commissioner. H.R. Deb. 2072.

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<sup>1</sup> Commonwealth Employees Compensation Act 1930-1968 (Cth).

**Commonwealth Jurisdiction**

On 26 March, the Attorney-General, in answer to a question without notice, stated that the Great Barrier Reef constituted part of the continental shelf. He went on to say that the Fisheries Act<sup>2</sup> gave the Commonwealth control of waters within twelve miles of the coast and that the Commonwealth had the power to control fishing for clams and other sedentary fish on the reef. H.R. Deb. 411.

On 30 May, the Leader of the Government in the Senate, in reply to a question without notice, stated that apart from the defence power in time of war, the Commonwealth Government could only legislate for daylight saving in the Northern Territory and the Australian Capital Territory. S. Deb. 1273.

On 8 October, the Minister representing the Treasurer, in reply to a question upon notice, stated that broad legislation to control the interest rates of money lenders and insurance companies was beyond the power of the Commonwealth. S. Deb. 1053.

**Companies Acts**

On 28 March, the Minister representing the Attorney-General, in answer to a question upon notice, stated that in order to protect investors, an advisory committee had been established to consider proposals for uniform draft amendments to the Companies Acts. S. Deb. 399.

On 6 June, the Attorney-General, in answer to a question upon notice, gave details of names the Registrar of Companies had been directed not to accept for registration. H.R. Deb. 2187.

**Compensation**

On 29 August, the Attorney-General, in answer to a question without notice, stated that his department was at present considering the Report of the New Zealand Royal Commission on Compensation for Personal Injury recommending a comprehensive scheme to provide compensation for every injured citizen irrespective of fault and regardless of cause. H.R. Deb. 694.

**Death Penalty**

On 13 March, the Minister for Works made a Ministerial Statement in which he revealed that the death penalty would no longer be applicable in the Northern Territory or the Australian Capital Territory in respect of rape, attempted murder, piracy with violence, carnal knowledge of a female under ten years, breaking and entering a dwelling house and while there committing assault with intent to murder or inflict grievous bodily harm, maliciously setting fire to any house, vehicle or aircraft having a person inside, maliciously destroying any floating vessel which has a person inside and maliciously masking or removing or altering any light or signal with intent to bring any vessel or boat into danger. S. Deb. 30.

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<sup>2</sup> Fisheries Act 1952-1968 (Cth).

On 14 August, the Minister representing the Attorney-General, in answer to a question upon notice, stated that the Governor-General had exercised his prerogative of mercy on eighty occasions during the last ten years. S. Deb. II 39.

### **Defamation**

On 5 November, the Minister representing the Postmaster-General, in answer to a question upon notice, set out the legal redress for a person who feels personally aggrieved or libelled by what is said by commentators on the radio or on television. S. Deb. 1634.

### **Duty of Care**

On 12 November, the Minister representing the Attorney-General, in answer to a question without notice, outlined the duty of care owed by one giving advice to another, in a fiduciary capacity. S. Deb. II 1863.

### **High Court**

On 26 March, the Attorney-General made a Ministerial Statement announcing the government's approval in principle of the transfer to Canberra of the principal seat of the High Court and of authorization for the preparation of plans for a prestige building. H.R. Deb. 420.

On 17 September, the Attorney-General, in reply to a question upon notice, gave details of the number of appeals from Supreme Courts in the Territories and from Federal Courts to the High Court, and of the number of taxation and industrial property matters heard by the High Court in 1967. H.R. Deb. 1151.

### **Industrial Property**

On 19 November, the Attorney-General, in answer to a question upon notice, stated that the amendments necessary to enable Australia to accede to the 1967 revisions at Stockholm to the Convention on Industrial Property were contained in the Patents Bill then before Parliament. H.R. Deb. 3011.

### **International Conventions, Treaties**

On 19 September, the Minister for External Affairs, in answer to a question upon notice, listed in detail, Conventions drafted at conferences at which Australia was represented and the commitments undertaken or proposed to be undertaken by Australia through these Conventions. H.R. Deb. 1352.

### **Jury Service**

On 26 September, the Attorney-General, in answer to a question upon notice, stated that there was no difference between the class of persons liable to serve as jurors in actions in which the Commonwealth was a party and those in which it was not. H.R. Deb. 1627.

**Legal Aid**

On 22 October, the Attorney-General, in answer to a question upon notice, stated that the matter of legal aid in federal courts and under federal law was under consideration. H.R. Deb. 2217.

On 22 October, the Minister representing the Attorney-General, in answer to a question upon notice, stated that each member of the Legal Service Bureau had been admitted to practise as a solicitor. S. Deb. 1435.

On 5 November, the Minister representing the Attorney-General, in answer to a question upon notice, stated that the Commonwealth government was concerned with legal aid only within special areas of Commonwealth interest, such as legal aid in relation to people charged under Commonwealth law. In this field, aid is now granted subject to a means test, to people committed for sentence as well as to those whose applications do not fall within sub-section 3 of section 69 of the Judiciary Act 1903-1965 (Cth) because their applications are not made within the prescribed time limits. Aid can also be granted in appeals from State courts exercising federal jurisdiction. S. Deb. 1630.

**Maritime Law**

On 22 October, the Prime Minister, in answer to a question upon notice, gave details of changes made since 1965 in Imperial, Commonwealth and State legislation concerning the International Collision Regulations. H.R. Deb. 2216.

On 23 October, the Minister for Shipping and Transport, in answer to a question upon notice, gave details of legislation passed pursuant to Maritime Conventions. H.R. Deb. 2285.

**Matrimonial Law**

On 22 October, the Minister representing the Attorney-General, in answer to a question upon notice, explained that there was a delay of two to four weeks in the hearings of undefended divorce suits in the Australian Capital Territory as compared with three months in New South Wales and Victoria. A delay of two to three months exists in the Territory, compared to an average delay of eleven months in New South Wales, with respect to defended suits. S. Deb. 1437.

**Military Law**

On 22 October, the Minister for Defence, in answer to a question upon notice, stated that work on a common code of discipline was well advanced and that it was hoped to introduce the necessary legislation in the next session of Parliament. H.R. Deb. 2217.

On 23 October, the Attorney-General, in answer to a question upon notice, gave details of the annual number of appeals considered by the Courts-Martial Appeal Tribunal since its inception. H.R. Deb. 2287.

**Off Shore Islands**

On 13 June, the Acting Prime Minister, in answer to a question upon notice, gave details of statutes and proclamations which determine jurisdiction over the reefs and islands off the coast of Queensland. H.R. Deb. 2306.

On 10 October, the Prime Minister, in answer to a question upon notice, stated that the relevant instruments determining jurisdiction over the islands of Bass Strait may be found in the Appendix to Volume 6 of the Tasmanian Statutes. H.R. Deb. 1903.

**Political Activism**

On 28 November, the Minister representing the Minister for the Army, in answer to a question upon notice, stated that members of a Regular Army Reserve Unit who play an active part in the affairs of a political party are liable to a maximum penalty of three months imprisonment. S. Deb. 2493.

**Privy Council**

On 4 April, the Attorney-General, in answer to a question upon notice, stated that he believed a majority of States were at that stage opposed to the abolition of appeals to the Privy Council from State Supreme Courts. H.R. Deb. 883.

On 9 October, the Prime Minister, in answer to a question upon notice, stated that Her Majesty the Queen assented to the Privy Council (Limitation of Appeals) Act 1968 (Cth) on the advice of Her Prime Minister of Australia and that the British government had been informed by Australia of the decision to introduce the legislation, of the introduction of the Bill and when it had received Her Majesty's assent. H.R. Deb. 1800.

**Taxation**

On 28 May, the Minister representing the Treasurer, in reply to a question upon notice, gave details of taxation concessions for expenses incurred in part-time study by students seeking professional qualifications. S. Deb. 1145.

On 14 August, the Minister representing the Minister for Health, stated that taxpayers could claim concessional deductions for chiropractic treatment only in limited instances: for example, if they had been referred to a chiropractor by a doctor. S. Deb. 39.

On 17 October, the Treasurer, in answer to a question upon notice, stated that Division 10 of Part III of the Income Tax Assessment Act 1936-1968 (Cth) is restricted to the mining industry and does not include quarrying. H.R. Deb. 2149.

**Telephone Tapping**

On 30 April, the Minister representing the Attorney-General, in answer to a question upon notice, stated that two prosecutions had been instituted under the Telephonic Communications (Interception) Act 1960-1966 (Cth). In the first case there had been a conviction and in the second, at the direction of the judge, the jury had brought in a verdict of not guilty. S. Deb. 627.

**Territories**

On 28 August, the Minister representing the Treasurer, in reply to a question upon notice, stated that there were no companies registered in Australia or on Norfolk Island engaged in the retailing or the wholesale selling of petroleum or engaged in exploration for oil on the Island. S. Deb. 366.

**Trade Unions**

On 4 April, the Minister for Labour and National Service, in answer to a question upon notice, gave details of fines imposed by the Commonwealth Industrial Court on trade unions in 1967 and 1968. H.R. Deb. 878.

**Workers Compensation**

On 27 March, the Minister representing the Minister for Labour and National Service, stated that the rights of any worker injured on an offshore oil rig in Victoria were determined by the Victorian State law as projected into this area by Commonwealth legislation. S. Deb. 329.

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