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Opinion No.1677

SubjectCHILD ENDOWMENT

POWER OF COMMONWEALTH TO ENACT LEGISLATION FOR CHILD ENDOWMENT: DEFENCE POWER: EXTENT OF APPROPRIATION POWER: 'PURPOSES OF THE COMMONWEALTH': WHETHER LIMITED TO LEGISLATIVE POWERS OF THE COMMONWEALTH: CONSTITUTIONAL AMENDMENT: REFERRAL OF POWER: GRANTS TO STATES

AuthorGeo. S. Knowles

Date20 January 1941

Key LegislationCONSTITUTION ss 51(vi), (xi), (xxxix), 52, 81, 96: MATERNITY ALLOWANCE ACT 1912

I have been asked to advise as to the constitutional power of the Commonwealth to enact legislation to provide for a scheme of child endowment. I understand that such a scheme might involve: ...

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Opinion No.1676

SubjectINCOME TAX

FEDERAL INCOME TAX: DEDUCTION FROM ASSESSABLE INCOME OF STATE INCOME TAX: WHETHER POSSIBLE TO PROVIDE INSTEAD FOR DEDUCTION OF STATE INCOME TAX FROM ASSESSED FEDERAL INCOME TAX: TAXATION POWER: DISCRIMINATION BETWEEN STATES

AuthorGeo. S. Knowles

Date23 January 1941

Key LegislationINCOME TAX ASSESSMENT ACT 1936 s 72: CONSTITUTION s 51(ii)

The Commissioner of Taxation has forwarded for my advice the following memorandum: Section 72 of the Income Tax Assessment Act, 1936-1940, provides for the deduction from assessable inco...

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Opinion No.1678

SubjectDEFENCE

WHETHER MEMBERS OF AUSTRALIAN MILITARY FORCES CAN BE REQUIRED TO SERVE IN NAURU WITHOUT THEIR CONSENT: WHETHER NAURU IS TERRITORY UNDER AUTHORITY OF COMMONWEALTH FOR PURPOSES OF DEFENCE ACT s 49: TERRITORY GOVERNED BY COMMONWEALTH UNDER MANDATE: APPLICATION OF DEFENCE ACT TO MEMBERS OF MILITARY FORCES SERVING IN NAURU

AuthorGeo. S. Knowles

Date21 February 1941

Key LegislationDEFENCE ACT 1903 ss 5A, 49, 55: ACTS INTERPRETATION ACT 1901 ss 2, 17(p): NAURU ISLAND AGREEMENT ACT 1932 Schedule AGREEMENT cl 1: MANDATE FOR THE ADMINISTRATION OF THE FORMER GERMAN ISLAND OF NAURU (PLEASANT ISLAND) CONFERRED UPON HIS BRITANNIC MAJESTY BY THE COUNCIL OF THE LEAGUE OF NATIONS done at Geneva on 17 December 1920 [1923] ATS 11cl 6: AGREEMENT BETWEEN HIS MAJESTY'S GOVERNMENT IN LONDON AND THE GOVERNMENT OF THE COMMONWEALTH OF AUSTRALIA AND THE GOVERNMENT OF THE DOMINION OF NEW ZEALAND CONCERNING THE MANDATE FOR THE ADMINISTRATION OF THE ISLAND OF NAURU done at London on 2 July 1919 [1920] ATS 16: MANDATE FOR THE ADMINISTRATION OF THE GERMAN POSSESSIONS IN THE PACIFIC OCEAN SITUATED SOUTH OF THE EQUATOR OTHER THAN GERMAN SAMOA AND NAURU, CONFERRED UPON HIS BRITANNIC MAJESTY FOR AND ON BEHALF OF THE COMMONWEALTH OF AUSTRALIA, CONFIRMED AND DEFINED BY THE

COUNCIL OF THE LEAGUE OF NATIONS done at Geneva on 17 December 1920 [1920] ATS 2

The Secretary, Department of the Army, has forwarded the following memorandum to me for advice: I desire to request your opinion on the question whether members of the Australian Military Fo...

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Opinion No.1680

SubjectQUARANTINE

WHETHER STATE LAW PROHIBITING IMPORTATION OF BEES UNLESS COMPLIANCE WITH CONDITIONS IS INCONSISTENT WITH QUARANTINE ACT PROHIBITING IMPORTATION OF BEES UNLESS COMPLIANCE WITH NON-IDENTICAL CONDITIONS: WHETHER COMMONWEALTH LAW INTENDED TO COVER THE FIELD

AuthorGeo. S. Knowles

Date11 March 1941

Key LegislationQUARANTINE ACT 1908 ss 2A, 11: QUARANTINE ACT 1908 (Qld)

In reply to your memorandum dated 14th January, 1941, (v.4/1/3), I desire to say that the power of the Commonwealth to make laws with respect to quarantine is not an exclusive power, and the States ma...

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Opinion No.1681

SubjectCOMMONWEALTH PLACES

COMMONWEALTH PLACES: PLACES ACQUIRED BY THE COMMONWEALTH FOR PUBLIC PURPOSES: SOVEREIGNTY OVER PLACES SO ACQUIRED: APPLICATION THERETO OF GENERAL LAW OF STATE: APPLICATION OF LIQUOR LAWS OF SOUTH AUSTRALIA TO PARAFIELD AERODROME

AuthorGeo. S. Knowles

Date26 March 1941

Key LegislationCONSTITUTION ss 52(i), 109

I refer to your letter of 20th March, 1941, relative to the interpretation of section 52(i) of the Constitution. Apart from the power conferred under section 52(i) being 'subject to this Cons...

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Opinion No.1682

SubjectNAVAL ENLISTMENT OF INFANTS

AUSTRALIAN NAVAL RESERVE: ROYAL AUSTRALIAN NAVAL VOLUNTEER RESERVE: ENLISTMENT OF INFANTS: WHETHER CONSENT OF PARENT OR GUARDIAN REQUIRED: CONTRACTS BY INFANTS: ENLISTMENT OF INFANTS IN NAVAL FORCES

AuthorGeo. S. Knowles

Date14 May 1941

Key LegislationNAVAL DEFENCE ACT 1910 ss 10, 25A: NAVAL RESERVE REGULATIONS reg 29: NAVAL VOLUNTEER RESERVE REGULATIONS reg 5

The Secretary, Department of the Navy, has forwarded the following memorandum to me for advice: The conditions of enlistment laid down for the Royal Australian Naval Reserve and the Royal Aust...

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Opinion No.1683

SubjectLEND-LEASE ARRANGEMENTS

POWER TO ENTER INTO LEND-LEASE ARRANGEMENTS: POWER OF EXECUTIVE TO ENTER INTO

AGREEMENT: IMPLIED CONDITION THAT AGREEMENT SUBJECT TO PROVISION BY PARLIAMENT OF SUFFICIENT MONEYS FOR ITS PERFORMANCE: APPROPRIATION

AuthorGeo. S. Knowles

Date03 June 1941

Key LegislationCONSTITUTION s 83

I refer to your memorandum of 14th May, 1941, requesting my advice on certain questions raised in connexion with problems applicable to the Commonwealth arising out of the Lease-Lend Act. The only ...

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Opinion No.1684

Subjectnational security regulations

extraterritorial operation of national security (military forces) regulations: power of commonwealth to give extra-territorial operation to its legislation

AuthorGeo. S. Knowles

Date13 June 1941

Key LegislationNATIONAL SECURITY ACT 1939 ss 4, 5, 6: ARMY ACT 1881 (U.K.) (44 & 45 Vict. c. 58) s 187C: EMERGENCY POWERS (DEFENCE) ACT 1939 (U.K.) (2 & 3 Geo. VI c. 62) s 5

I am in receipt of your minute of the 2nd May, 1941, in which the question is raised whether the National Security Act authorizes the addition of a regulation to the abovementioned in terms of that ac...

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Opinion No.1685

SubjectCONCILIATION AND ARBITRATION

EXTENSION OF THE JURISDICTION OF THE COMMONWEALTH COURT OF CONCILIATION AND ARBITRATION TO ENABLE AWARDS TO BE MADE COVERING MEMBERS OF ORGANISATIONS EMPLOYED IN THE EXTERNAL TERRITORIES: EXTENSION OF LEGISLATION TO EXTERNAL TERRITORIES: EXTENSION BY NATIONAL SECURITY REGULATION

AuthorW. M. Hughes

Date04 August 1941

Key LegislationNORTHERN TERRITORY (ADMINISTRATION) ACT 1910 s 6: COMMONWEALTH CONCILIATION AND ARBITRATION ACT 1904 s 4

I refer to your letter of 15th July, 1941 asking for an expression of my views as to the practicability of taking some action along the lines suggested by Dr. Evatt for the extension of the jurisdic...

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Opinion No.1686

SubjectPARLIAMENTARY POWERS AND PRIVILEGES

PRIVILEGE: STATEMENTS TO HOUSE OF PARLIAMENT OR COMMITTEE AND ITS MEMBERS: POWERS, PRIVILEGES, AND IMMUNITIES OF PARLIAMENT: DISTINCTION BETWEEN VOLUNTARY EVIDENCE AND EVIDENCE UNDER COMPULSION: POWER TO SUMMON PERSONS AND ADMINISTER OATHS: POWER TO AFFORD PRIVILEGE BY REGULATION UNDER NATIONAL SECURITY ACT

AuthorGeo. S. Knowles

Date08 August 1941

Key LegislationCONSTITUTION s 49: STANDING ORDERS OF THE SENATE Chapter XXII: STANDING ORDERS OF THE HOUSE OF REPRESENTATIVES Chapter 25: PARLIAMENTARY WITNESSES' OATHS ACT 1871 (U.K.) (34 & 35 Vict. c. 83) s 1: NATIONAL SECURITY ACT 1939 s 5

By a resolution agreed to by the Senate and the House of Representatives, a Joint Committee of

members of those Houses has been appointed 'to examine current expenditure defrayed out of moneys v...

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