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Opinion No.405

Subject GREAT BARRIER REEF

WHETHER HAS BEEN ANNEXED TO QUEENSLAND

Author R. R. Garran

Date 09 March 1911

Key Legislation THE QUEENSLAND COAST ISLANDS ACT OF 1879 (QLD)

Mr J. B. Steel has written to the Prime Minister asking whether the Great Barrier Reef has been annexed to Queensland, and the Secretary to the Department of External Affairs has forwarded the matter ...

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Opinion No.406

Subject FISHERIES IN AUSTRALIAN WATERS BEYOND TERRITORIAL LIMITS

WHETHER COMMONWEALTH HAS POWER TO REGULATE DISPOSAL OF FISH TAKEN OUTSIDE TERRITORIAL LIMITS : WHETHER CATCHES ARE SUBJECT TO STATE LAWS

Author R. R. Garran

Date 17 March 1911

Key Legislation CONSTITUTION, s. 51 (x), (xxxix) : FISHERIES ACT 1902 (N.S.W.), ss. 23, 26: FRESHWATER FISHERIES ACT 1878 (IMP.), s. 11

I have read the case referred to by Mr Dannsvig. It is the case of Olsen v. Paxino, reported in 22 W.N. page 199. It was heard before the Chief Justice sitting alone and does not appear to have been a...

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Opinion No.407

Subject DEFENCE PURPOSES

EXTENT OF POWER TO ENTER AND USE LAND : WHETHER LEGISLATION WITHIN EXCLUSIVE POWER OF COMMONWEALTH BINDS STATES WITHOUT EXPRESS MENTION

Author W. M. Hughes

Date 20 March 1911

Key Legislation CONSTITUTION, ss. SI (vi), 52(H), 69, 114 : DEFENCE ACT 1903-1910, s.69

Section 69 of the Defence Act is as follows: The Governor-General may give a general or particular authority to the Defence Force, or any part thereof, to enter upon and use any lands for training,...

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Opinion No.408

Subject ELECTIONS

WHETHER PROPER FOR APPLICATION FOR POSTAL BALLOT-PAPER TO BE IDENTI

Author W. M. Hughes

Date 20 March 1911

Key Legislation COMMONWEALTH ELECTORAL ACT 1902-1909. s. 110A

The Minister for Home Affairs asks for advice on the question raised in the following memo by the

Chief Electoral Officer: Political organisations apply for and obtain from the Post Offices or Return...

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Opinion No.409

SubjectFINANCE

WHETHER PURPOSES OF APPROPRIATION AND TRUST ACCOUNT MUST BE IDENTICAL TO ENABLE

PAYMENT OF MONEYS INTO ACCOUNT

AuthorR. R. Garran

Date23 March 1911

Key LegislationAUDIT ACT 1901-1909, s. 62A: APPROPRIATION ACT 1910-1911

The Secretary to the Treasury has forwarded the following memorandum to me for advice: It is proposed to close the 'Defence Clothing Material Account' included in the Schedule to the Audit Acts 1901-...

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Opinion No.410

SubjectSTATE PROPERTY TRANSFERRED TO COMMONWEALTH

EFFECT OF TRANSFER : GRANT OF MINING LICENCES

AuthorR. R. Garran

Date30 March 1911

Key LegislationCONSTITUTION, s. 85 : LANDS ACQUISITION ACT 1906, s. 62

Certain persons at Thursday Island state that they have discovered gold on a rifle range there, and have applied for permission to prospect their discovery. The Defence Department has no objection to...

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Opinion No.411

SubjectTAXATION : LAND TAX

NATURE, SCOPE, EXTENT OF TAXING POWER : LIMITS TO POWER : NATURE OF DISCRIMINATION

BETWEEN STATES AND PARTS OF STATES : WHETHER LAND TENURE SUBJECT TO TAXATION :

WHETHER DEMISE OF CROWN AFFECTS COMMONWEALTH PARLIAMENT : CONSTRUCTION OF

STATUTES IN PARI MATERIA : SEVERABILITY

AuthorR. R. Garran

Date31 March 1911

Key LegislationCONSTITUTION, ss. 7, 12, 13, 28, 32, 51, 51 (ii), (xxxix), 53, 55, 99, 114 : CUSTOMS ACT 1901-1910, s. 161 : LAND TAX ACT 1910, s. 2 : LAND TAX ASSESSMENT ACT 1910, ss. 10, 11, 13, 17, 30, 38, 39, 40, 41, 48, 63, 66, 69, 70, 71 : THE MEETING OF PARLIAMENT ACT 1797 (IMP.), s. 3 : DEMISE OF THE CROWN ACT 1901 (IMP.)

COMMONWEALTH ats. OSBORNE(1)-OBSERVATIONS Grounds of invalidity that may be raised That the Acts(2) are not in substance taxing Acts. That the Commonwealth has no power to tax land. Th...

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Opinion No.412

SubjectIMMIGRATION

WHETHER ALIENS PERFORMING DUTIES EXCLUSIVELY AS SLAUGHTERMEN ON FOREIGN TRADE SHIP

WHILE IN AUSTRALIAN PORT ARE IMMIGRANTS : WHETHER SUCH PERSONS ARE PART OF SHIPS

CREW

AuthorW. M. Hughes

Date 14 April 1911

Key Legislation IMMIGRATION RESTRICTION ACT 1901-1910. s. 3 . MERCHANT SHIPPING ACTS 1894 TO 1907 (IMP.)

On 14 February, the Premier of Western Australia telegraphed to the Prime Minister as follows: In view of prohibition importation livestock into Manila local firm of livestock dealers propose sending...

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Opinion No. 413

Subject IMMIGRATION

WHETHER FORMER MEMBER OF SHIP'S CREW ON RELEASE FROM IMPRISONMENT BECOMES IMMIGRANT

Author R. R. Garran

Date 29 April 1911

Key Legislation IMMIGRATION RESTRICTION ACT 1901-1910. s. 5

The Secretary, Department of External Affairs forwards the following case for opinion: With reference to the accompanying papers respecting the question of the deportation from the Commonwealth of C...

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Opinion No. 414

Subject PUBLIC SERVANT

WHETHER COMMONWEALTH LIABLE TO GRANT FURLOUGH

Author W. M. Hughes

Date 05 May 1911

Key Legislation COMMONWEALTH PUBLIC SERVICE ACT 1902-1909, ss. 71, 79

The Public Service Commissioner has forwarded the following memorandum to me for opinion: The Public Service Commissioner has the honour to submit the following statement for the consideration of ...

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