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Opinion No.1741

SubjectAUSTRALIAN NATIONALITY

AUSTRALIAN NATIONALITY: WHETHER AUSTRALIANS HAVE, IN LAW, A NATIONALITY AS DISTINCT FROM A BRITISH NATIONALITY: LEGAL IMPLICATIONS OF CANADIAN AND SOUTH AFRICAN LAWS CONFERRING ON CANADIANS OR SOUTH AFRICANS NATIONAL STATUS DIFFERENT FROM THAT OF BRITISH SUBJECTS: EFFECT IN INTERNATIONAL LAW: POWER OF COMMONWEALTH TO PASS LAWS RELATING TO AUSTRALIAN NATIONALITY

AuthorGeo. S. Knowles

Date19 February 1945

Key LegislationNATIONALITY ACT 1920: CANADIAN NATIONALITY ACT 1921(Can): IMMIGRATION ACT 1927 (Can): UNION NATIONALITY AND FLAGS ACT 1927 (South Africa)

I forward herewith, for such action as you consider appropriate, a copy of correspondence with Mrs B. of Sydney on the question of whether Australians have, in law, a nationality as distinct from a Br...

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Opinion No.1742

SubjectPREFERENCE IN EMPLOYMENT TO DISCHARGED SERVICEMEN

POWER OF COMMONWEALTH TO GRANT PREFERENCE IN EMPLOYMENT TO DISCHARGED SERVICEMEN: DEFENCE POWER: INCIDENTAL POWER: EXTENT OF POWER IN PEACETIME: CRITERIA FOR MEASUREMENT OF REASONABLY NECESSARY PERIOD FOR PREFERENCE

AuthorG. B. Castieau, Geo. S. Knowles

Date07 March 1945

Key LegislationCONSTITUTION s 51(vi), (xxxix)

We have been asked to advise as to whether it is within the powers of the Commonwealth to legislate with regard to the grant to persons who have been members of the Forces, of preference in employment...

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Opinion No.1743

SubjectTRANSMISSION OF COMMONWEALTH ACTS TO DOMINIONS OFFICE

COMMONWEALTH ACTS: NUMBER OF COPIES TO BE SIGNED BY GOVERNOR-GENERAL: CHANNEL OF TRANSMISSION OF ACTS TO DOMINIONS OFFICE: RESERVATION OF BILL FOR ROYAL ASSENT: EXERCISE OF POWER OF DISALLOWANCE ON ADVICE OF COMMONWEALTH MINISTERS

AuthorGeo. S. Knowles

Date10 April 1945

Key LegislationINSTRUCTIONS PASSED UNDER THE ROYAL SIGN MANUAL AND SIGNET TO THE GOVERNOR-GENERAL AND COMMANDER-IN-CHIEF OF THE COMMONWEALTH OF AUSTRALIA dated 29 October 1900 para VII: CONSTITUTION s 59

I refer to the following matters raised some little time ago by the Official Secretary to the Governor-General. Whether the present practice should be continued whereby the Governor-General tr...

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Opinion No.1744  
SubjectNATIONAL MARKETING SCHEMES  
NATIONAL SCHEME FOR MARKETING OF EGGS: POWER OF COMMONWEALTH TO IMPLEMENT SCHEME FOR MARKETING OF EGGS ON AUSTRALIA-WIDE BASIS IN POST-WAR PERIOD: DEFENCE POWER: FACILITATION OF RETURN OF AUSTRALIAN ECONOMIC AFFAIRS TO PEACE-TIME CONDITIONS: TRADE AND COMMERCE POWER: REFERRAL OF POWER: REFERRAL OF POWER BY SOME STATES ONLY: FREEDOM OF INTERSTATE TRADE: PREFERENCE TO OR DISCRIMINATION BETWEEN STATES  
AuthorGeo. S. Knowles  
Date10 April 1945  
Key LegislationCONSTITUTION ss 51(i), (vi), (xxxvii), 92, 99: NATIONAL SECURITY (EGG INDUSTRY) REGULATIONS

The Minister for Commerce and Agriculture: I refer to your letter of 9th January, 1945, addressed to the Attorney-General, forwarding copies of papers received by you from the Egg Producers Council...  
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Opinion No.1745  
SubjectRE-ESTABLISHMENT AND EMPLOYMENT  
RE-ESTABLISHMENT AND EMPLOYMENT BILL 1945: DEFENCE POWER: POWER OF COMMONWEALTH TO PRESCRIBE WAGES AND CONDITIONS OF EMPLOYMENT FOR RETURNED SERVICEMEN AND WOMEN AS PART OF PREFERENCE PROPOSALS: PROVISIONS INCIDENTAL TO REINSTATEMENT PROVISIONS  
AuthorGeo. S. Knowles  
Date24 May 1945  
Key LegislationCONSTITUTION s 51(vi): RE-ESTABLISHMENT AND EMPLOYMENT BILL 1945

I refer to your memorandum dated 14th March, 1945, in which you ask for advice as to the Constitutional power of the Commonwealth 'to prescribe wages and conditions of employment for returned se...  
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Opinion No.1746  
SubjectBORROWING BY STATE GOVERNMENTS BORROWING BY STATE GOVERNMENTS: NATIONAL HOUSING SCHEME: POWER OF COMMONWEALTH TO RAISE FUNDS REQUIRED AND MAKE FROM THOSE FUNDS ADVANCES TO STATE GOVERNMENTS ON STATED TERMS AND CONDITIONS REGARDING REPAYMENT: POWER TO BORROW MONEY ON PUBLIC CREDIT OF COMMONWEALTH: POWER TO GRANT FINANCIAL ASSISTANCE TO ANY STATE ON SUCH TERMS AND CONDITIONS AS PARLIAMENT THINKS FIT  
AuthorGeo. S. Knowles  
Date18 July 1945  
Key LegislationCONSTITUTION ss 51(iv), 96: FINANCIAL AGREEMENT BETWEEN THE COMMONWEALTH OF AUSTRALIA, THE STATE OF NEW SOUTH WALES, THE STATE OF VICTORIA, THE STATE OF QUEENSLAND, THE STATE OF SOUTH AUSTRALIA, THE STATE OF WESTERN AUSTRALIA, and THE STATE OF TASMANIA dated 12 December 1927

I refer to your memorandum herein dated 4th July, 1945. The question for determination is whether, for the purpose of providing capital funds for housing purposes of the States under the National Hous...  
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Opinion No.1749  
SubjectPRICE CONTROL

CONSTITUTIONAL ASPECTS OF COMMONWEALTH PRICE CONTROL DURING TRANSITION FROM WAR TO PEACE: DEFENCE POWER: DURATION OF WAR-TIME LEGISLATION: 'CEASES TO BE ENGAGED IN WAR': 'STATE OF WAR': DISTINCTION BETWEEN POWERS WHICH CONSTITUTION GIVES TO COMMONWEALTH PARLIAMENT AND POWERS WHICH PARLIAMENT HAS GIVEN TO GOVERNMENT: FREEDOM OF INTERSTATE TRADE: PREFERENCE TO OR DISCRIMINATION BETWEEN STATES AND TERRITORIES

Author

Date 01 August 1945

Key Legislation CONSTITUTION ss 51(vi), (xxxvii), 92, 99: NATIONAL SECURITY ACT 1939 s 19: TERMINATION OF THE PRESENT WAR (DEFINITION) ACT 1919

In order to maintain price stability and to avoid both chaotic inflation and chaotic deflation during the transition from war to peace, power is needed to regulate prices on an Australia-wide bas...

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Opinion No.1747

Subject UNITED NATIONS

PROCEDURE FOR SECURING PARLIAMENTARY ENDORSEMENT OF THE CHARTER OF THE UNITED NATIONS: CONCLUSION AND RATIFICATION OF TREATIES: CROWN'S PREROGATIVE IN RELATION TO EXTERNAL AFFAIRS: FUNCTION OF PARLIAMENT: INTERIM ARRANGEMENTS: QUESTION OF PARLIAMENTARY APPROVAL OF AGREEMENT ESTABLISHING PREPARATORY COMMISSION OF UNITED NATIONS

Author K. H. Bailey

Date 06 August 1945

Key Legislation CHARTER OF THE UNITED NATIONS AND STATUTE OF THE INTERNATIONAL COURT OF JUSTICE [1945] ATS 1 Chapters XI, XII, arts 43, 45, 55, 56, 73: TREATY OF PEACE (GERMANY) ACT 1919: THE TREATY OF PEACE BETWEEN THE ALLIED AND ASSOCIATED POWERS AND GERMANY done at Versailles on 28 June 1919 [1920] ATS 1 Parts I, X: UNITED NATIONS RELIEF AND REHABILITATION ADMINISTRATION ACT 1944 s 4: UNITED NATIONS FOOD AND AGRICULTURE ORGANIZATION ACT 1944 s 4: TREATIES OF PEACE (AUSTRIA AND BULGARIA) ACT 1920 s 3

The obligations to be undertaken by Australia under the Charter of the United Nations are substantial and of a continuing character. The desirability is therefore assumed of obtaining some form...

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Opinion No.1748

Subject BANKING

'BANKING': 'BANKING BUSINESS': WHAT CONSTITUTES 'BANKING BUSINESS' FOR PURPOSES OF BANKING ACT 1945

Author Geo. S. Knowles

Date 18 August 1945

Key Legislation BANKING ACT 1945: CONSTITUTION s 51(xiii): MONEYLENDERS ACT 1927 (U.K.) (17 & 18 Geo. V c. 21) s 4(3): MONEY LENDERS ACT 1938 (Vic) s 24(2): CO-OPERATION ACT 1923

I refer to your memorandum dated 1st August, 1945, inquiring as to what constitutes 'banking business' for the purposes of the Banking Act 1945. 'Banking' is admittedly ...

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Opinion No.1750

Subject TERMINATION OF THE WAR

INDUSTRIAL RELATIONS: REFERENCE UNDER NATIONAL SECURITY (INDUSTRIAL PEACE) REGULATIONS: AWARD TO CONTINUE FOR NO MORE THAN SIX MONTHS FROM DATE ON WHICH HIS MAJESTY CEASED TO BE ENGAGED IN WAR: WHETHER HIS MAJESTY WAS STILL ENGAGED IN WAR:

CONTINUATION OF STATE OF WAR UNTIL TREATIES WITH ALL COMBATANTS CONCLUDED AND RATIFIED OR DECLARATIONS OF PEACE MADE

AuthorGeo. S. Knowles

Date20 September 1945

Key LegislationNATIONAL SECURITY (INDUSTRIAL PEACE) REGULATIONS: NATIONAL SECURITY ACT 1939

A reference under the National Security (Industrial Peace) Regulations by the Minister for Labour and National Service of the matter of the rates of wages and conditions of employment for females empl...

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