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Opinion No.1828
SubjectTELECOMMUNICATIONS PAPUA NEW GUINEA
WHETHER OVERSEAS TELECOMMUNICATIONS COMMISSION HAS POWER TO CONDUCT COMMUNICATIONS BY RADIOTELEGRAPH BETWEEN PAPUA AND NEW GUINEA: WHETHER PAPUA AND NEW GUINEA ARE TERRITORIES 'UNDER THE AUTHORITY OF THE COMMONWEALTH' AND 'TERRITORIES OF THE COMMONWEALTH': WHETHER PAPUA AND NEW GUINEA ARE SEPARATE TERRITORIES: MEANING OF 'AUSTRALIA' IN OVERSEAS TELECOMMUNICATIONS ACT 1946
AuthorBAILEY Kenneth Hamilton
Date30 January 1948
Key LegislationACTS INTERPRETATION ACT 1901 s 17(p): OVERSEAS TELECOMMUNICATIONS ACT 1946 ss 5, 34: PAPUA-NEW GUINEA PROVISIONAL ADMINISTRATION ACT 1945

I refer to your minute of 19th March, 1947, raising the question of the power of the above Commission to conduct communications by radio-telegraph between Papua and New Guinea. Section 34 of the Overs...

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Opinion No.1829
SubjectSUPPLY OF ALCOHOL AT COMMONWEALTH DEFENCE ESTABLISHMENTS
SUPPLY AND CONSUMPTION OF ALCOHOL AT COMMONWEALTH DEFENCE ESTABLISHMENTS: WHETHER LICENSING ACT 1932 (SA) APPLIES TO SUPPLY OF ALCOHOL AT COMMONWEALTH DEFENCE ESTABLISHMENTS IN SOUTH AUSTRALIA: COMMONWEALTH POWER TO REGULATE SUPPLY OF ALCOHOL AT COMMONWEALTH DEFENCE ESTABLISHMENTS: WHETHER STATUTORY PROVISION FOR SUPPLY AND CONSUMPTION OF ALCOHOL AT COMMONWEALTH DEFENCE ESTABLISHMENTS SHOULD BE MADE: WHETHER LICENSING ACT 1932 (SA) BINDS THE CROWN: SCOPE OF DEFENCE POWER
AuthorBAILEY Kenneth Hamilton
Date02 February 1948
Key LegislationDEFENCE (TRANSITIONAL PROVISIONS) ACT 1946: LICENSING ACT 1932 (SA) ss 12, 13(5): NATIONAL SECURITY (MUNITIONS) REGULATIONS

Long range weapons establishment: Salisbury Hostel: Consumption of Spirituous Liquors I refer to your memorandum of the 14th January, 1948, on the above-mentioned subject. In this matter I have come t...

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Opinion No.1830
SubjectIMMIGRATION; HOUSING
WHETHER CONSTRUCTION OF HOSTELS IN PORT KEMBLA - WOLLONGONG AREA FOR CERTAIN DISPLACED PERSONS WOULD BE FOR A 'PURPOSE OF THE COMMONWEALTH': APPROPRIATION FOR HOUSING FOR DISPLACED PERSONS ADMITTED TO AUSTRALIA: AUSTRALIA'S OBLIGATIONS UNDER AGREEMENT WITH THE PREPARATORY COMMISSION OF THE INTERNATIONAL REFUGEE ORGANIZATION MADE 21 JULY 1947: SCOPE OF THE COMMONWEALTH PARLIAMENT'S POWER TO LEGISLATE WITH RESPECT TO IMMIGRATION: MEANING OF 'PURPOSES OF THE COMMONWEALTH' IN s 81 OF CONSTITUTION
AuthorBAILEY Kenneth Hamilton
Date21 February 1948

Key Legislation CONSTITUTION ss 51(xxvii), 81, 83: Agreement between the Commonwealth and the Preparatory Commission of the International Refugee Organization made 21 July 1947 cll 5, 8

I refer to Mr. Welch's recent telephone enquiry from this Department as to the power of the Commonwealth to construct hostels for certain displaced persons from Europe, to be employed in heavy i...

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Opinion No.1831

Subject WAR GRAVES

WAR GRAVES OF AUSTRALIANS AND MEMBERS OF OTHER BRITISH COMMONWEALTH FORCES IN NETHERLANDS EAST INDIES: WHETHER PROPOSED AGREEMENT BETWEEN AUSTRALIA AND NETHERLANDS EAST INDIES GOVERNMENT IS WITHIN PROPER CONSTITUTIONAL FUNCTIONS OF AUSTRALIA: WHETHER AUSTRALIA IS MOST APPROPRIATE PARTY TO PROPOSED AGREEMENT: PROVISIONS OF PROPOSED AGREEMENT RELATING TO IMPERIAL WAR GRAVES COMMISSION

Author, BAILEY Kenneth Hamilton

Date 10 March 1948

Key Legislation

I refer to your memorandum No. 47/930 of 10th November, 1947. It is noted that the proposal is that Australia should make an agreement relating to the war graves, in an area outside Australia, not on...

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Opinion No.1832

Subject BEQUESTS

BEQUEST MADE BY WILL OF DECEASED RECIPIENT OF OLD AGE PENSION TO 'THE GOVERNMENT': WHETHER GOVERNMENT IS COMMONWEALTH OR QUEENSLAND GOVERNMENT

Author BAILEY Kenneth Hamilton

Date 30 March 1948

Key Legislation

I refer to your letter of the 23rd December, 1947, addressed to the Attorney-General, asking for his opinion as to the interpretations of the expression 'the Government' in the will of abo...

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Opinion No.1835

Subject TERMINATION OF WORLD WAR 2

WHETHER PROCLAMATION REQUIRED TO TERMINATE STATE OF WAR WITH ITALY, ROMANIA, BULGARIA, HUNGARY AND FINLAND: RATIFICATION OF TREATIES OF PEACE: COMMONWEALTH GAZETTE NOTICE OF DEPOSIT OF RATIFICATIONS OF TREATIES OF PEACE: PROPOSED ADVICE TO COMMONWEALTH DEPARTMENTS IN RELATION TO PEACE TREATIES

Author BAILEY Kenneth Hamilton

Date 17 June 1948

Key Legislation

I refer to your memorandum dated 12th May, 1948, requesting my views whether a Proclamation will be required to terminate the state of war with Italy, Roumania, Bulgaria, Hungary and Finland when th...

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Opinion No.1836

SubjectSHIPPING

SALVAGE BY ROYAL AUSTRALIAN NAVY VESSELS: WHETHER MERCHANT SHIPPING (SALVAGE) ACT 1940 (UK) APPLIES TO AUSTRALIA: POWER OF COMMONWEALTH PARLIAMENT TO ENACT SALVAGE LAW

AuthorBAILEY Kenneth Hamilton

Date17 June 1948

Key LegislationSTATUTE OF WESTMINSTER, 1931 s 4: MERCHANT SHIPPING (SALVAGE) ACT 1940 (UK)

I refer to your memorandum dated 8th August, 1947, regarding the above-mentioned matter. 2. The position is, I think, substantially as state in paragraph 4 of your memorandum. Section 4 of ...

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Opinion No.1837

SubjectPETROL RATIONING

COMMONWEALTH POWER TO CONTINUE PETROL RATIONING AFTER 31 DECEMBER 1948: DEFENCE POWER: POSSIBLE REFERENCE BY STATES OF THE MATTER OF PETROL RATIONING

AuthorBAILEY Kenneth Hamilton

Date07 July 1948

Key LegislationCONSTITUTION ss 51(i), (vi), (xxix), (xxxvii): NATIONAL SECURITY (LIQUID FUEL) REGULATIONS

I refer to your teleprinter message, No. SY.578 of the 2nd July, 1948, regarding the adequacy of the Commonwealth's legal powers to continue petrol rationing after 31st December 1948. (2) &...

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Opinion No.1838

SubjectEFFECT OF RATIFICATION OF TREATIES OF PEACE WITH PARTICULAR COUNTRIES
EFFECT OF RATIFICATION OF TREATIES OF PEACE WITH ITALY, ROMANIA, BULGARIA, HUNGARY AND FINLAND: WHETHER PROCLAMATION THAT WAR NO LONGER EXISTS MAY BE ISSUED UNDER TRADING WITH THE ENEMY ACT 1939: CUSTOMS PROCLAMATION PROHIBITING TRADING WITH PERSONS RESIDENT OR CARRYING ON BUSINESS IN ENEMY TERRITORY: MEANING OF 'ENEMY TERRITORY': WHETHER NOTICES DECLARING CERTAIN COUNTRIES TO BE ENEMY TERRITORY SHOULD BE REVOKED

AuthorBAILEY Kenneth Hamilton

Date12 July 1948

Key LegislationTRADING WITH THE ENEMY ACT 1939 ss 3, 5(1): NATIONAL SECURITY (ENEMY PROPERTY) REGULATIONS: Customs Proclamation No. 498 published 24 July 1940

I refer to your memorandum No. 48/66/42 of 2nd July concerning the effect of the ratification of the Treaties of Peace with Italy, Roumania, Bulgaria, Hungary and Finland. (2) In my view, t...

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Opinion No.1839

SubjectCOMMONWEALTH PUBLIC SERVICE

WHETHER A PERSON WHO ENLISTED IN THE AUSTRALIAN IMPERIAL FORCE IN MARCH 1947 IS A 'RETURNED SOLDIER' FOR PURPOSES OF THE COMMONWEALTH PUBLIC SERVICE ACT 1922 AND REGULATIONS: MEANING OF

AuthorBAILEY Kenneth Hamilton

Date16 August 1948

Key LegislationPUBLIC SERVICE ACT 1922 s 7: RE-ESTABLISHMENT AND EMPLOYMENT ACT 1945 s 4: COMMONWEALTH PUBLIC SERVICE REGULATIONS reg 159

I refer to your memorandum dated 19th July, 1948, requesting advice whether X. is a 'returned soldier' within the meaning of that expression in regulation 159. (2) It is stated i...

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